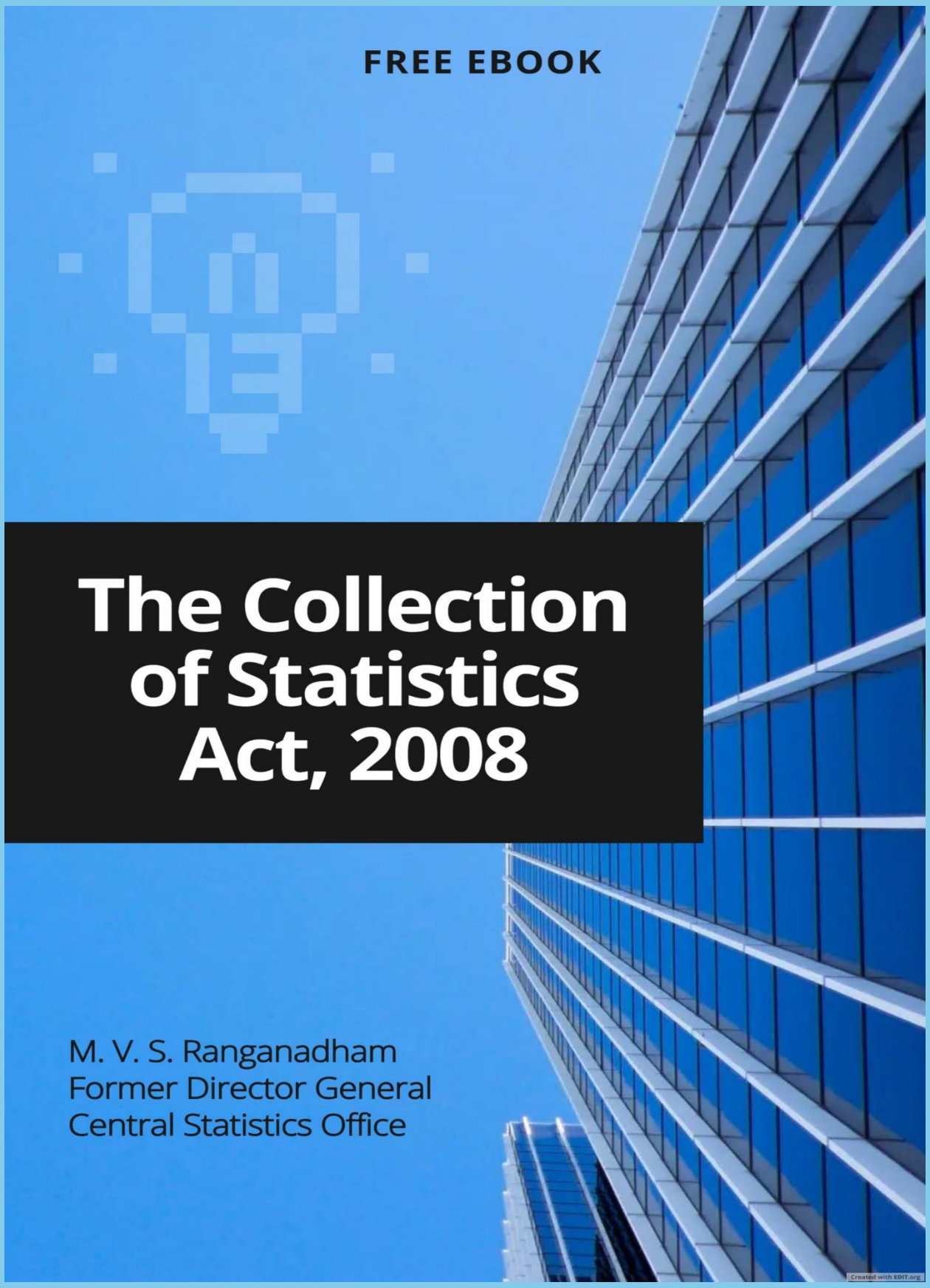
FREE EBOOK
The Collection of Statistics Act, 2008
M. V. S. Ranganadham
Former Director General
Central Statistics Office
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The Collection of Statistics Act, 2008

Free E-Book

By: M.V.S. Ranganadham
Former Director General
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The Collection of Statistics Act, 2008 (Free E-Book)

Author: M. V. S. Ranganadham

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Contact details of author:

M. V. S. Ranganadham

Former Director General

Central Statistics Office

R/o: H. No. 5-12-78/46,

Laxmipuri Colony Phase – 2,

Sainikpuri, Hyderabad – 500 094.

Telangana State, India

Mob: +91 9818878155

E-Mail: mvsranganadham@hotmail.com

DEDICATED

to all the persons

in the Official Statistical System of India

who understand and appreciate

the noble objectives of the

FUNDAMENTAL PRINCIPLES

OF

OFFICIAL STATISTICS

PREFACE

Ever since I took up the subject of statistics as a curriculum initially in my graduation and subsequently in my post-graduation, I was given to understand that data collection requires statutory support under certain circumstances. The Census Act, 1948 and the Registration of Births and Deaths Act, 1969 were introduced to me for this purpose. When I joined the Indian Statistical Service in 1982 and later posted in a field office of the National Sample Survey Organisation (as it was then called), in short NSSO, in 1984, I have come across the Collection of Statistics Act, 1953. Under the provisions of this Act, the NSSO has been conducting the Annual Survey of Industries, covering registered factories.

The NSSO and some of the other survey organisations in the Government setup by then have been collecting data from unregistered entities and households. The response for such surveys has started declining or turning to be lukewarm, particularly in the wake of the Liberalization, Privatization, and Globalization (LPG) regime in the nineties of the previous century. This made people like me think about finding ways and means to extend statutory support to data collection on different subjects from unregistered entities and households. The matter was deliberated at length by the National Statistical Commission appointed by the Government under the Chairmanship of Dr. C. Rangarajan, who firmly recommended in the year 2001 that the 1953 Act needs to be amended.

All the concerns on amending the 1953 Act culminated in enacting the Collection of Statistics Act, 2008. It was a fascinating journey for me as I was deeply involved in drafting the new law, through discussions with colleagues and legal luminaries of that time. After notifying rules under the Act in the year 2011, sensitization programs were organized to familiarize the statistical fraternity with the provisions of the new law. For this purpose, "Handbook on Collection of Statistics Act, 2008" was published by the Ministry of Statistics and Programme Implementation (MOSPI), for which I had furnished material. The Handbook is available even now on the official website of MOSPI.

Subsequent to its initial enactment, the Collection of Statistics Act, 2008 had undergone three amendments. The Collection of Statistics Rules, 2011 were repealed and the Collection of Statistics Rules, 2024 were notified. These changes necessitate a comprehensive revision of the "Handbook on Collection of Statistics Act, 2008", but the MOSPI haven't so far bring out a revised version of the Handbook. Hence, it was felt that a book on the Collection of Statistics Act with latest information is the need of the hour. I have taken up this exercise, and this Free E-Book is the result of that.

This E-Book contains five Chapters and two Appendices, labelled A and B. Chapter – 1 gives a detailed account of the history of the collection of statistics law along with its amendments from time to time, ever since the first elected Government took charge in independent India. Chapter – 2 explains the provisions under the Collection of Statistics Act, 2008 clause-wise, with appropriate comments. Chapter – 3 deals with sub-ordinate legislation, i.e. the Collection of Statistics Rules made under the Act with rule-wise comments. Chapter – 4 is on penal provisions and related procedures under the Act and the Rules, and their interpretation. Chapter – 5 is on the manner of implementation of the provisions under the Act and the Rules in statistical surveys. Appendix-A contains 10 documents (242 pages) which give details of

deliberations in the Parliament on the statistics law at different points of time. Appendix-B contains 20 documents (109 pages) pertaining to Gazette Notifications and extracts of Notifications, relevant to the statistics law.

During the period 2020 - 2023, the Central Government had taken up review of existing laws to decriminalise many minor offences to promote ease of doing business and decongest the justice system. As a result, the Jan Vishwas (Amendment of Provisions) Act, 2023 was enacted. Under this Act, 42 statutes were amended and the Collection of Statistics Act, 2008 was one of them. The manner in which the Collection of Statistics Act was amended for the third time in this way has been analysed in detail in Chapter – 4 (paras – 4.27 to 4.46) and it was concluded that the objective of decriminalisation has not been fulfilled. An alternative amendment has been suggested in para – 4.47 to achieve the goal. In the process, I have also identified a few more provisions requiring amendment. Such cases are appropriately explained in paras – 2.38, 2.39 and 2.41 of Chapter – 2 and in paras – 3.19, 3.20, 3.30, and 3.51 of Chapter – 3. All these details may be considered by the Government to rectify the deficiencies pointed out.

Statisticians are always interested in only aggregates at different levels and trends thereof, and not in the information of any individual or unit. At times, they may require individual / unit level data without their identification for research purposes. Official statisticians are no exception to these principles, which in great detail have been laid down as FUNDAMENTAL PRINCIPLES OF OFFICIAL STATISTICS (FPOS) adopted by the United Nations Statistical Commission.

Administrators, Policy makers and Politicians generally use the information of an individual / unit for administrative or taxation purposes. At times, such usage may go against the interests of the individual / unit. Information

collected for statistical purposes may, if not protected adequately, may fall prey to this kind of usage at times. Without adequate statutory support, official statisticians may not be able to resist such pressure all the time for fear of insubordination. The Collection of Statistics Act, 2008 provides adequate protection to information providers, information collectors and concerned offices against use of information for purposes other than statistical.

In Ramayan, Lord Ram requested Ocean to give way to his army to cross the ocean and also threatened it with dire consequences such as facing evaporation, in case it fails to do so. The Ocean then politely advised Lord Ram to look for an alternative method, as might or praise will not influence entities in the environment, such as an ocean, to change or alter their basic nature. This should provide a lesson for the mighty Administrators, Policy makers and Politicians not to force the relatively weak statisticians to meet their specific requirements and the Collection of Statistics Act, 2008 lays down in very clear-cut terms the basic nature of statisticians, that cannot be modified or altered.

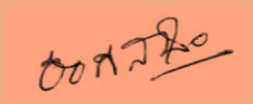
The official statistical system is the backbone of democracy, and it requires that information providers furnish true information, which goes as necessary input into policy formulation. This is a genuine demand. Information providers expect that the information collected from them will be kept confidential and will not be used against them. Even the slightest doubt in the minds of information providers that this expectation will not be honoured or respected or will be taken very lightly will induce them to provide false or misleading information. All the persons in the Official Statistical System of India who understand the demands / expectations of both the sides will appreciate the noble objectives of the FPOS and I dedicate this free E-Book to all of them.

As a person who was passionately involved in different stages of the evolution of the Collection of Statistics law from 1984 to 2018 (the year of my

superannuation), I have pointed out a few deficiencies, which merit serious consideration by the Government to make the law more meaningful in the light of the FPOS. Needless to emphasize, more active role of the nodal officers in administering the law and organizing training programs for the official statisticians and other officials who are likely to be engaged in data collection work would go a long way in achieving the objectives of the law at all levels of the Government.

I have taken adequate care and caution possible of me to depict a correct picture of the Collection of Statistics Act, 2008 and its other relevant aspects. Needless to emphasize, if any discrepancy is pointed out to me by any reader in interpretation of different provisions of the law and the context thereof, I would definitely re-examine, learn and rectify where required.

I have placed this Free E-Book in a digital library, and I am sharing its link through E-Mail to MOSPI and other statistical offices in the country, whose addresses I could access. I have also given its details in my blog https://mvsranganadham.in/ . I am also sharing the specific link of my blog through WhatsApp, in which there is a provision for writing comments on this book by interested readers. I take this opportunity to thank the statistical fraternity because of whose association and guidance, I could venture to write this E-Book and earnestly request each and every member in the System to pass on this E-Book to other stakeholders and interested people, whose addresses I could not access.



Hyderabad,
20 - 12 – 2025.

(M. V. S. RANGANADHAM)
Former Director General
Central Statistics Office

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List of Abbreviations

ACGSC	Additional Central Government Standing Counsel
ASI	Annual Survey of Industries
CAPI	Computer-assisted personal interviewing
COS	Collection of Statistics
CrPC	Criminal Procedure Code
DES	Directorate of Economics & Statistics
FPOS	Fundamental Principles of Official Statistics
IPC	Indian Penal Code
J & K	Jammu and Kashmir
MOSPI	Ministry of Statistics and Programme Implementation
NGO	Non-Governmental Organisation
NIN	National Institute of Nutrition
NSC	National Statistical Commission
RBD	Registration of Births and Deaths
RTI	Right to Information
SCF	Standing Committee on Finance
UN	United Nations
UT	Union Territory
w.e.f	With effect from

Chapter – 1

Journey of the Collection of Statistics Law

***

Background:

1.1 **"Official statistics" are statistics derived by the Government offices from their statistical surveys, and administrative and registration records. At times, the statistics may be published along with some analytical details. The primary aim of official statistics or its analysis is to provide an accurate, up-to-date, comprehensive and meaningful empirical picture of the society and economy to support the formulation and monitoring of economic and social policies by the Government at different levels. This *inter alia* requires regular flow of qualitative data from industries, businesses and households, which will not be feasible without appropriate statutory support. Therefore, need for a law on collection of statistics has been felt long ago. Prior to the enactment of the Collection of Statistics (in short, COS) Act, 2008 (7 of 2009), the COS Act, 1953 (32 of 1953) was in place. The factors that led to the enactment of this 1953 Act and the subsequent legal developments in a long journey of about 72 years during 1952 to 2024 have been explained in some detail in this chapter. To understand those developments briefly, the chronological sequence of events / release of related documents given at Annexure-I appended to this chapter would be useful.**

1.2 **The first democratically elected Government in India was formed on 15th April 1952. This Government reviewed and replaced some of the then existing laws. In the process, the COS Bill, 1952 was introduced in the House of People (Lok Sabha) on 19th**

December 1952 by the then Minister of Commerce and Industry. The Bill proposed replacing the existing Industrial Statistics Act, 1942.

1.3 The COS Bill, 1952 was debated in detail in the Lok Sabha (5th and 6th August 1953) and in the Rajya Sabha (26th and 27th August 1953), before being passed as the COS Act, 1953. The debates can be read at pages A-1 to A-94 in Appendix-A. Some of the observations made, systemic and other issues raised, and the concerns expressed, in the debates are still relevant. A few of those points are summarized below:

- I plead for a national statistics policy. I would quote Bernard Shaw in this connection: "The public services need a department of statistics and mathematics to which the statesman can submit for skilled examination all the correlations involved in legislative projects and current administrative practices, as well as to prepare such periodical booklets of information as the census and the statistical abstract. Official figures are not infallible, as they have to be collected and assembled by fallible mortals; but as there are degrees of fallibility, we can select our statisticians by the method of imagining the possible extremes and determining the most eligible spot on the scale between them. The statesman should accept no figures from the doctors, the lawyers, the clergy, the bankers, the artisans, the labourers or the individual cranks until they are critically examined and correlated, corrected and endorsed by the department."

- The Industrial Statistics Act, 1942 enabled collection and publication of statistics of industries and the Bill is intended to enhance its scope to cover commercial concerns also. The Central Government and the State Governments will have

power to collect statistics with regard to industrial and commercial concerns, welfare of labour, conditions of labour etc.

- Employment of Indians in foreign-owned and foreign-controlled companies and discriminations faced by them in salaries and other service conditions are to be monitored and it requires collection of relevant statistics. Difficulties were faced in collecting statistics relating to employment of non-nationals in different concerns. The Bill will address such problems.

- Government should rationalize data collection by its different Departments in such a way that only one agency of the Government will ask for all kinds of information from industrial and commercial concerns to reduce respondents' burden.

- Government may consult experts on the manner in which the statistics collected would be compiled and published.

- Before finalizing the form in which statistics are to be collected, consultation with users and experts may be done by pre-publication in official gazette to seek their comments.

- The Government of India as well as the State Governments should be prepared to go more than half-way to cooperate with the industrial concerns and the commercial concerns in order to see that they are able to have the necessary and competent staff and give accurate information to us.

- **Companies formed for the purpose of carrying on extensive and modern agriculture on a large scale such as sugarcane plantations may also be covered, besides rubber, tea, coffee and cinchona plantations. The Government is requested to include within the scope of the proposed legislation, agricultural companies and private companies.**

- **The Government should co-ordinate with its different departments to avoid duplication of data collection and prevent wastage of time.**

- **If the fear of deterrent punishment is not there, any statistical officer might nonchalantly disclose very valuable information which will affect the very life of a big firm or company. There must be that fear for the statistical officer that if he transgresses the bounds he will meet with severe punishment. Divulging information improperly by the persons in charge of statistics should certainly be made punishable.**

- **Government should come forward with a comprehensive Bill designed to collect accurate and uptodate statistical data on each and every subject that affects the economic and social conditions of our people.**

- **In the Statement of Objects and Reasons, it is stated that it is expedient that Government should be armed with powers to compel all concerns engaged in industry and commerce to furnish statistical information, but it is not stated whether the Government have decided to collect and publish statistics regularly.**

- There should have been a provision in the Bill for fixing responsibility on the Central and State Governments for the regular collection of statistics, but none are found in the Bill. It is left to the sweet will of the Governments concerned. There should also have been a provision in the Bill for the constitution of a committee consisting of officials, Members of Parliament and experts, so that this Committee can see to the proper implementation of the provisions of the Bill and also recommend to the Government collection of proper statistics with regard to other subjects.

- There are certain firms which deal only with the distribution of goods either imported from abroad or produced within the country. Statistics relating to such firms are also very vital and these firms are also big concerns employing a large number of men and investing a large amount of capital. In order to complete the statistical picture, it would be necessary to get the facts from these distributing firms or concerns engaged in the distributing trade alone.

- If general conclusions are reached, based on these data in a cumulative manner, then there is nothing to prevent us from publishing those conclusions, as we have been publishing under the Industrial Statistics Act. Supposing we have a particular concern, and the owner of that concern gives the information in confidence, and we publish those data, in respect of that particular concern, then, we think it will be a deterrent factor in respect of correct information.

1.4 One can see that some of these concerns are still unfulfilled or partially fulfilled or not addressed at all. For example, a National Statistical Policy is yet to be declared by the Government. Collecting

data by one agency on behalf of all Departments and sharing of data among Departments to reduce respondents' burden, and avoiding duplication in data collection were not addressed in the COS Bill of 1952, but much later (i.e. after 56 years), in the COS Act, 2008 and the rules made thereunder, an institutional mechanism has been provided for this purpose. But it is not clear as to what extent this mechanism has been effective. Regarding bringing forward a comprehensive Bill for fixing responsibility on the Government to regularly collect and publish statistics (what has been subsequently coined as "core statistics"), and establishing a committee to oversee proper implementation, it is long overdue. A Statistical Policy and a comprehensive National Statistical Commission Bill mainly to regulate core statistics have been recommended by the National Statistical Commission. But the Government is yet to act conclusively on these recommendations.

The Collection of Statistics Act, 1953:

1.5 Be that as it may, the COS Act, 1953 (pages B-1 to B-6 of Appendix-B) was enacted as an enabling legislation to facilitate the collection of statistics of certain kinds relating to industries, trade and commerce. Under this Act, the Central Government as well as the State Governments could make declarations, through a notification published in the respective Official Gazettes, of their intention to collect statistical data from various enterprises by appointing a Statistics Authority for conducting survey operations and exercising various powers and functions under the Act. The Statistics Authority was empowered to issue a notice in writing to the owners/ occupiers of enterprises requiring them to furnish information within the period specified in the notice. The Act conferred the right of access to relevant records or documents and restricted publication of any information disclosing the identity of

the concern. It also provided for certain penalties for wilfully refusing to furnish or furnishing of false information. There were also penalties specified in the Act against persons, engaged in data collection, for violating the secrecy provisions in the Act.

1.6 The provisions of the COS Act, 1953 were effectively used in conducting the Annual Survey of Industries (ASI) by the Ministry of Statistics and Programme Implementation (MOSPI) at the Centre for collecting information on input, output, and employment from some of the units registered under the Factories Act, 1948 (63 of 1948) and Beedi and Cigar Workers (Conditions of Employment) Act, 1966 (32 of 1966). The Central Government made rules under the COS Act, 1953, viz., the Collection of Statistics (Central) Rules, 1959 mainly to facilitate the conduct of ASI. In addition, nine State Governments, viz., Andhra Pradesh, Bihar, Haryana, Karnataka, Kerala, Maharashtra, Punjab, Rajasthan, and Tamil Nadu also made rules under the Act to collect data in areas not covered by the Central Government. Besides, the Office of the Coal Controller was collecting information on coal mines under the provisions of the COS Act, 1953. Thus, the provisions of the Act were used for the restricted purpose of collecting information from a small segment of the industrial sector. The provisions were not applied for collection of statistics of trade and other sectors, as contemplated during the Parliamentary debates on the COS Bill, 1952. Other concerns expressed during the debates were not addressed in the 1953 Act.

1.7 The Jammu and Kashmir (in short, J & K) State Legislature enacted the Jammu and Kashmir COS Act, 1961 (not given in the Appendix-B) on the lines of the COS Act, 1953. The ASI was conducted by the MOSPI in the State of J & K in those days under the provisions of the J & K COS Act, 1961.

Rangarajan Commission recommendations:

1.8 The National Statistical Commission, appointed by the Central Government under the Chairmanship of Dr. C. Rangarajan, former Governor of Andhra Pradesh, in their report submitted to the Government in 2001, stated *inter alia* the following limitations[1] of the COS Act, 1953:

(i) The COS Act, 1953 has been serving at present, the limited purpose of ASI which covers only a part of the entire industrial sector. There are a large number of industries in the small-scale sector, which are excluded from the scope of ASI. Similarly, there is plenty of industrial activity in the unregistered informal or household sector, which is out of the ASI purview, though it plays a highly significant role by way of feeding the larger units as well as producing value added goods for non-industrial consumers. Although, there is scope under section 2 (b) of the Act to cover all "commercial concerns", this is not being done so far. It is also necessary to include sectors such as information technology, biotechnology, food processing and the services sector whose share in the economy is rapidly growing. To include the developments in these industries and related sectors, data must flow out of the provisions of the Act.

(ii) Even where an Act such as the COS Act, 1953 exists with provision for prosecution, there are non-response cases. This is largely due to meagre penalty of a maximum fine of Rs.500/-, which though theoretically extends to cause a fine of Rs.200/- per day on default beyond a certain period but that has almost never been imposed. So, the Act in such cases hardly serves the

[1] Available at: https://nsc.mospi.gov.in/148-legal-provisions-he-statistical-system

purpose and becomes counterproductive. This is despite the fact that the factories covered under ASI are statutorily obliged to furnish the required data in the prescribed format.

1.9 The Rangarajan Commission also recommended that necessary legal provisions should be made either by expanding the scope of the COS Act, 1953 or by passing a new Act or Acts to:

(a) cover any topic under Core Statistics (statistics of national importance);
(b) make it obligatory on the part of individuals, or enterprises, or State and private agencies to provide the information sought for any survey;
(c) provide right of access to records, including the record of Government agencies for statistical purposes;
(d) ensure the informant's right to privacy by making it illegal to publish the identity of the informant, or by requiring him to furnish sensitive information;
(e) provide penalties for informants, for their refusal to supply, or for wilfully supplying wrong information; and
(f) make it a penal offence for a statistical officer authorised to collect, process, or disseminate information collected from any survey under the Act, if he wilfully distorts or manipulates the data.

Evolution of the Collection of Statistics Act, 2008:

1.10 The Central Government, after having examined the recommendations of the Rangarajan Commission, felt that the provisions under the COS Act, 1953 are not adequate to meet the growing data requirements of the Government at all levels. There

are many survey programmes in the Government setup both at the Centre and in the States wherein information is being collected from households, enterprises, companies, public and private institutions, etc., on a purely voluntary basis. Besides, the law enforcing authorities also collect different types of statistical information under the powers vested with them in the respective statutes for the purpose of enforcement. In the wake of liberalization, privatization and globalization resulting in delicensing/ deregulation, the system of obtaining information as a by-product of administering various statutes/ regulations has been losing ground gradually. The need for statistical information for planning and policy formulation has also expanded over the years due to market driven economy in most of the sectors with the increasing role of the private sector in areas which were under the monopoly of the public sector.

1.11 For the aforesaid reasons, a new legislation, namely, the COS Bill, 2006 was initially formulated. During that time, based on the Rangarajan Commission's recommendations, a National Statistical Commission (NSC) was constituted by the Government through an executive order on 12th July 2006. The COS Bill, 2006 was deliberated in detail and after incorporating a few suggestions, the NSC cleared it in its fifth meeting held on 9th November 2006. Thereafter, in consultation with the Ministry of Law, the COS Bill, 2007 was prepared. The Union Cabinet, in its meeting dated 26th April 2007, decided to introduce the COS Bill, 2007 in the Parliament. Accordingly, the Bill was introduced in the Rajya Sabha on 17th May 2007, which can be seen at pages B-7 to B-23 at Appendix-B. Thereafter, on 30th May 2007, the Bill was referred to the Departmentally related Parliamentary Standing Committee on Finance (SCF), for examination and report. The SCF, having examined all aspects of the Bill, in its 66th report (extract given at

pages A-95 to A-119 at Appendix-A) presented to both the Houses of Parliament on 18th March 2008, recommended *inter alia* as follows:

(a) The Bill may be considered subject to the observations made / modifications suggested in their Report.

(b) General principles governing outsourcing the collection of statistics may be prescribed by the Central Government in the Bill.

(c) The Bill may be amended to exclude 'instrumentality' of the Government from the purview of the definition 'appropriate government', as the nomenclature 'instrumentality' covers a wide range of institutions which are reportedly not intended to be covered for the purpose of collecting statistical data.

(d) A separate Bill for standardization of statistical activities and coordination, with specific reference to 'core statistics' of national importance is reportedly on the anvil. The Committee expect that the process of identification of 'core statistics' of national importance, and the related Bill pertaining to standardization of statistical activities and coordination is finalized and brought before Parliament expeditiously.

(e) The Bill should clearly stipulate that the power of inspection and examination of records, plans and other documents should be exercised only by responsible government officials of minimum rank, as may be prescribed by the Government.

(f) The Bill may be suitably amended to provide that the power of entry into premises shall be exercised only by Government officials of minimum rank as may be prescribed, only with prior notice and only during hours of the day as may be prescribed.

(g) Clauses 10,11 and 12 of the Bill provide for disclosure of certain information / document by the agency authorized for collection of statistics. As releasing of information involves higher responsibility, it would be desirable if the relevant functions under Clause 9 to 14 are entrusted to appropriate government.

(h) The Committee observe that Clauses 16 and 20 of the Bill provide for mere monetary penalty in the event of making false statement or failure to keep inviolate the secrecy of the information by employees in execution of any duty under this Act. The Committee are of the view that there should be provision for simple imprisonment in the event of any one wilfully furnishing false information as provided for in the Indian Penal Code. The Committee desire that provision for imprisonment in such cases be suitably incorporated in the Bill.

1.12 On the basis of the recommendations made by the SCF in its report, the Union Cabinet, in its meeting dated 11th September 2008, decided to move 32 official amendments to the COS Bill, 2007. The main amendments were amendment nos. 12 to 27 in respect of clauses 16 to 22 of the COS Bill, 2007, by which "simple imprisonment for a term which may extend to six months" has been inserted at the appropriate places in the clauses. The clauses pertain to penalty for wilfully making false statements, penalty for mutilation or defacement of information schedules, penalty for obstruction of employees, penalty for contraventions or wilful deception or attempts in that direction, penalty for failure to carry out duties and functions by employees, penalty for impersonation of prescribed. These were considered by the SCF as more serious offences and that is why they have recommended for adding simple imprisonment also in the punishments along with fine. Accordingly, notice on the 32 amendments circulated in the Rajya Sabha on 17th September 2008 may be seen at pages B-24 to B-28 of Appendix-B. The Bill was debated and passed with amendments in the Rajya Sabha on 19th December 2008. Thereafter, the Bill as passed by the Rajya Sabha, namely, the COS Bill, 2008 was passed in the Lok Sabha without discussion on 23rd December 2008. The debates / proceedings in both the Houses of Parliament are placed at pages A-

120 to A-169 of Appendix-A. The Bill, as passed by both the Houses, received the assent of the President on 7th January 2009 and it became an Act, namely, the Collection of Statistics Act, 2008. The Act repealed the COS Act, 1953.

1.13 The COS Act, 2008 was notified by the Legislative Department for general information *vide* Gazette Notification dated 9th January 2009 (pages B-29 to B-36 in the Appendix-B). The Act was brought into force on 11th June 2010 *vide* Gazette Notification dated 11th June 2010 (page B-37 in the Appendix-B).

Comparison between the 1953 Act and the 2008 Act:

1.14 The COS Act, 2008, while continuing to be an enabling legislation, enhanced the scope of data collection in many ways and addressed many limitations of the COS Act, 1953. Some of the salient features of the COS Act, 2008, compared to the provisions of the COS Act, 1953, are given below:

(1) In the 1953 Act, the Central Government and the State Governments were empowered to issue a notification for collection of statistics on any subject from any industrial or commercial concern. In the 2008 Act, the scope has been enhanced to collect all kinds of statistics not only from industrial/ commercial concerns but also from individuals and households.

(2) In the 1953 Act, the Central Government/ State Governments were empowered to appoint a Statistics Authority for conducting the collection of statistics. In the 2008 Act, the scope has been enhanced to such an extent that any Government Department/ Organisation either at the Centre or in the States or any local government could

appoint a statistics officer for each subject of data collection and/ or for each geographical unit.

(3) In the 2008 Act, necessary provisions have also been made for ensuring support to any statistics officer engaged in collection of statistics, in terms of providing necessary inputs, manpower, etc. Such provisions are not there in the 1953 Act.

(4) In the 1953 Act, no mechanism has been prescribed for avoiding duplication of surveys. In the 2008 Act, the Central Government has been empowered to make rules for avoiding duplication. Details are given in Chapter – 3 about the actual arrangements provided in the rules.

(5) In the 1953 Act, the mode of data collection was in the form of a return, which would be obtained by the statistics authority after issuing a notice to each industrial/ commercial concern. In the 2008 Act, all methods of data collection including oral interviews and filing of returns electronically have been covered.

(6) As per the 1953 Act, the information collected from any informant under the Act cannot be made use of, for any purpose other than for prosecution under the Act or under the Indian Penal Code (IPC). The author of this Book was working in a field office of the MOSPI when the Bhopal gas leakage occurred in the year 1984. The gas leakage claimed several lives and caused lot of damage. The Union Carbide India Limited was prosecuted for its criminal negligence and other irregularities. This tragedy case was *sub judice* in the late eighties of the previous century and at that time, the MOSPI directed all its field offices conducting ASI to keep the ASI returns of the Union Carbide company in safe custody, as they may have to be produced at a very short notice as evidence in courts, if required, to facilitate better

assessment of compensation to the victims. Since the ASI was conducted under the provisions of the COS Act, 1953 at that time, using the information in ASI returns for prosecution under the IPC was permissible. However, the necessity of producing ASI returns in courts perhaps did not arise in this case. Be that as it may, in the 2008 Act, it is provided that the information would be used only for statistical purposes and for prosecution of offences under the Act, but not for prosecution under the IPC. This provision in the COS Act, 2008 is consistent with the Principle No. 6 of the UN Fundamental Principles of Official Statistics (FPOS).

(7) In the 1953 Act, the penalties were very meagre and the procedures for prosecution were very cumbersome. In the 2008 Act, these have been rationalized. Penalties for not furnishing information have been enhanced. The procedure for trial has been simplified by way of providing for a summary trial.

(8) Appropriate enabling provisions have also been made in the 2008 Act for notifying certain subjects of national importance as 'core statistics', for the purpose of ensuring methodological standards, timeliness, credibility and completeness.

(9) Adequate provisions have also been made in the 2008 Act to avoid unnecessary duplication of data collection programmes.

Issue of extending the COS Act, 2008 to the J & K State:

1.15 The COS Act, 2008, when enacted, was extended to the whole of India except the State of J & K. As soon as the Act was notified (on 09-01-2009) for general information by the Legislative

Department and before bringing the Act into force, the MOSPI considered it appropriate to request the Government of J & K for concurrence to extend the jurisdiction of this Central Act to the State for the following reasons:

(1) The COS Act, 2008 in its original form was not applicable to the State of J & K in view of Section 1 (2) of the Act, which states 'It extends to the whole of India except the State of Jammu and Kashmir'. The State of J & K enjoyed at that time special autonomy under Article 370 of the Constitution according to which, no law enacted by the Parliament, except for those in the specified fields, will be extendable to J & K unless it is ratified by the State legislature of J & K. This article specifies that except for Defence, Foreign Affairs and Communications (matters specified in the instrument of accession), the Parliament needed the State Government's concurrence to apply all other laws.

(2) The other two statistical statutes when enacted by the Parliament, namely, the Census Act, 1948 and the Registration of Births and Deaths (RBD) Act, 1969, were initially not applicable to the J & K State. The Census Act, 1948 was extended to the State of J & K by Act No. 22 of 1959 by omitting the words 'except the State of Jammu and Kashmir' in Section 1 (2) of the Census Act, 1948 with the concurrence of the State Government. Similarly, the RBD Act, 1969 came into force in the State of J & K w.e.f 1-10-1970, although the entry "vital statistics including registration of births and deaths" is in the Concurrent List.

(3) In the case of the COS Act, 1953 (which was repealed by the COS Act, 2008), its jurisdiction was not extended to the State of J & K, perhaps because such an agenda was not considered by the State at that time. Instead, a separate legislation, namely, the J & K COS

Act, 1961 was enacted by the State Legislature on the lines of the Central Act.

(4) In terms of jurisdiction, the COS Act, 1953 and the J & K COS Act, 1961 together created a legislative vacuum. In case of collection of statistics in the State of J & K on subjects falling in the Union List or List I (as applicable to the State), the COS Act, 1953 was silent, as it was not applicable to the State. The J & K COS Act, 1961 did not fill this vacuum, in view of the proviso under Section 3 of that Act given below:

> "Provided that nothing contained in this section shall be deemed to authorise the Government to issue any direction under this Act with respect to the collection of statistics relating to any matter falling under any of the entries specified in List I in the seventh schedule to the constitution of India as applied to the State of Jammu and Kashmir."

(5) The COS Act, 1953 and the J & K COS Act, 1961 empower data collection from industrial and commercial concerns. The COS Act, 2008 which replaces the COS Act, 1953 enhances the scope of data collection to cover not only industrial and commercial concerns, but also individuals and households. If a separate legislation for the J & K State on the lines of the COS Act, 2008 is enacted, the vacuum created by the COS Act, 1953 and the J & K COS Act, 1961 for data collection from industrial and commercial concerns located in the State on subjects in the Union List applicable to the State would not cease to exist, but would extend to individuals and households located in the State as well. As such, enacting a separate law for the State of J & K on the lines of COS Act, 2008 would not fill the legislative vacuum in respect of matters in the Union List as applicable to the State.

(6) The subjects falling into the Union List as applicable to J & K include certain sectors where regular data is needed by the State Government as well as the Central Government. Examples are census, transport sector such as railways, highways, airways, waterways, shipping, ports etc., posts and communications; inter-state trade and commerce; incorporation; industries (declared by Parliament by law to be expedient in the public interest); petroleum and petroleum products; mines and mineral resources; industrial disputes; and inquiries, surveys and statistics in the Union List. If the jurisdiction of the COS Act, 2008 is extended to the State of J & K, the State would be benefitted in collecting statistics on these subjects by deriving authority to do so from the Central Government.

(7) With regard to the Entry 'Census' in the Union List, the COS Act, 2008 (in view of Section 32 thereof) is not applicable to the conduct of human population census as per the directions, if any, issued under the Census Act, 1948. Similar provision was proposed to be made in the corresponding COS Bill for J & K. In so far as the conduct of decennial population censuses is concerned, there won't be any problem as they would be conducted under the provisions of the Census Act, 1948. But, other censuses, such as Agriculture census, Livestock census, Economic census, etc., could be conducted under the COS Act, 2008 except in J & K. If the Act is not extended to J & K, the State Government would not be in a position to go for statutory data collection for these censuses, as the subject matter falls in the Union List applicable to the State. Similarly, data from companies can also not be collected by the Govt. of J & K, since companies fall under the Union List applicable to the State.

(8) Under the COS Act, 2008, data providers are individuals, households, and enterprises, including companies, societies, and co-

operative societies. Most of these data providers furnish data on the basis of statutory records maintained by them under different laws, such as the Company law, Tax laws and Labour Laws. The Companies Act, 1956 (now it is Companies Act, 2013) and the Limited Liability Partnership Act, 2008 extend to the whole of India including the J & K State. By the Central Laws (Extension To Jammu And Kashmir) Act, 1968 [Act No.25 of 1968], the jurisdiction of the Motor Vehicles Act, 1939, the Road Transport Corporation Act, 1950, the Mines Act, 1952, and the Essential Commodities Act, 1955 were extended to the State of J & K. By the Central Labour Laws (Extension to Jammu and Kashmir) Act, 1970, the jurisdiction of the Workmen's Compensation Act, 1923, the Trade Unions Act, 1926, the Payment of Wages Act, 1936, the Employers' Liability Act, 1938, the Employment of Children Act, 1938, the Industrial Employment (Standing Orders) Act, 1946, the Minimum Wages Act, 1948, the Employees' State Insurance Act, 1948, the Factories Act, 1948, the Motor Transport Workers Act, 1961, and the Payment of Bonus Act, 1965 were also extended to the State of J & K. Besides, the Unorganised Workers' Social Security Act, 2008, the Coal Mines (Conservation and Development) Act, 1974, the Central Excise Act, 1944, the Customs Act, 1962 and the Income-tax Act, 1961 were also applicable to the whole of India including the J & K State. Since most of the Central laws under which data and records are maintained by informants were extended to J & K with the concurrence of the State, not following this well-established practice in respect of the COS Act, 2008 defies logic.

1.16 The afore-mentioned points were addressed to the Government of J & K by the MOSPI through letters dated 13th April 2009 and 23rd September 2009 and, in the meetings, held with concerned officers at Delhi on 20th October 2009 and 4th November 2009. These efforts did not meet with success, as the State of J & K

went ahead enacting a separate law, namely the J & K COS Act, 2010. Thereafter the ASI had to be conducted by the MOSPI in the State of J & K under the provisions of the J & K COS Act, 2010 with the concurrence of the State. However, the issue of legislative vacuum remained unaddressed.

Rulemaking under the 2008 Act:

1.17 The COS Act, 2008 provides for rule making by the Central Government. Accordingly, the Collection of Statistics Rules, 2011 (given at pages B-38 to B-48 in the Appendix-B) was notified by the MOSPI on 16th May 2011. A corrigendum to the rules was notified on 8th September 2011 (given at page B-49 in the Appendix-B). In accordance with the requirement of laying the rules before both the Houses of Parliament, specified under sub-section (3) of section 33 of the COS Act, 2008, the COS Rules, 2011 were laid before the Lok Sabha on 4th August 2011 and before the Rajya Sabha on 5th August 2011.

Fundamental Principles of Official Statistics (FPOS):

1.18 Looking at the international scenario at that time, one can observe the evolution of certain generic statistical principles, called the Fundamental Principles of Official Statistics (FPOS). The FPOS are a pillar of the Global Statistical System. They had evolved at the international level during the nineties of the last century after detailed deliberations, to ensure openness and transparency in statistical systems, to enhance public trust in the integrity of official statistical systems and confidence in statistics, and to establish professional independence and accountability of statistical agencies. After their adoption in 1994 by the United Nations Statistical Commission, the UN General Assembly adopted a resolution on 29th

January 2014, concerning the FPOS. Much before these developments and subsequently, statistical systems of various countries including India have undergone reforms, which were later found to be consistent with the FPOS.

1.19 The constitution of Governing Council with external experts in the seventies of the previous century to oversee the conduct of National Sample Surveys was consistent with the FPOS. This continued till the year 2006 when the functions of the Council were entrusted to the NSC. Some of the institutional practices, developed and nurtured in India since the nineties of the previous century in respect of data dissemination after appropriate anonymization, also conform to the FPOS. The Rangarajan Commission (2001) made several recommendations to improve the Indian Statistical System, keeping in view the FPOS. Based on the recommendations, several improvements that are consistent with the FPOS have been introduced in the statistical system from time to time and it is a continuous process. The COS Act, 2008, as it was originally enacted in January 2009 was consistent with the FPOS (details are given in Chapter – 5). Thus, although India has been following FPOS in some cases, formal adoption of the FPOS could be notified only on 15th June 2016 (given at pages B-50 to B-53 in the Appendix-B) after receiving approval from the Union Cabinet. After this adoption, it is expected that every existing policy / practice in the statistical system should be appropriately modified or aligned to the FPOS and any policy / practice to be newly introduced in the system should also be consistent with the FPOS. Although the COS Act when initially enacted conformed to the FPOS, subsequently there were departures from this expectation, the details of which are given in Chapter – 5.

How the Legislative vacuum in respect of J & K was addressed:

1.20 **As already stated, the issue of legislative vacuum has come alive when the J & K State Legislature enacted the J & K COS Act, 2010 on 23rd October 2010, (not given in the Appendix-B) on the lines of the COS Act, 2008. The Act was brought into force on 15th March 2011 through a Notification (not given in the Appendix-B). It repealed the J & K COS Act, 1961. On 6th August 2012, rules made under the Act, namely, the J & K COS Rules, 2012 (not given in the Appendix-B) were published in the J & K Government Gazette. The COS Act, 2008 and the J & K COS Act, 2010 created a legislative vacuum in respect of the statistical matters in the Union List applicable to J & K. Besides, the COS Act, 2008 was also not applicable to subjects falling in the Concurrent List, as applicable to J & K, making the Centre forfeit its jurisdiction over such matters.**

1.21 **Having reviewed the provisions of the COS Act, 2008, the NSC, in its Annual Report for the year 2011-12[2], recommended a few amendments to the Act to provide for -**

(a) **extending the jurisdiction of the Act to J & K State in respect of matters not reserved for the State as per the Constitution (Application to Jammu and Kashmir) Order 1954; and**

(b) **appointing a nodal officer at the Centre and in each State to effectively coordinate data collection activities and provide consultation to Government Departments for avoiding unnecessary duplication, to support the relevant provisions to this effect already made in the Rules notified under the Act.**

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[2] Available in para-2.9 of the NSC Annual Report for 2011-12 at: https://mospi.gov.in/sites/default/files/annual_report/nsc_AR_2011-12.pdf

First Amendment to the 2008 Act:

1.22 On the basis of the above NSC recommendations, the Union Cabinet, in its meeting dated 15th February 2017, decided to introduce the Collection of Statistics (Amendment) Bill, 2017 in the Parliament. Accordingly, the Bill was introduced in the Lok Sabha on 17th March 2017 to –

(1) extend the jurisdiction of the COS Act, 2008 to the State of J & K in so far as it relates to any statistical survey relating to any matter falling under any of the entries specified in List-I or List-III in the Seventh Schedule of the Constitution as applicable to that State;

(2) designate an officer at the Centre and in each State or Union territory as a nodal officer to coordinate and supervise the statistical activities, to take steps to avoid unnecessary duplication of programmes of collection of statistics, as provided under clause (a) of sub-section (2) of section 33 of the COS Act, 2008 and to exercise such other powers and perform such other duties as may be made by rules;

(3) provide for the condition of previous publication of rules made under the COS Act, 2008, consistent with the Pre-legislative Consultation Policy of the Government; and

(4) provide for rule making power on the manner in which information shall be used by any agency engaged in the collection of statistics along with other consequential amendments.

1.23 The powers and functions of nodal officers, provisions on use of personal information and procedure to be followed in dealing with offences have been provided in the Collection of Statistics Rules, 2011. However, it was felt that it would be more appropriate to have

the corresponding enabling provisions in the principal Act. The COS (Amendment) Bill, 2017 prepared on these lines was passed in the Lok Sabha on 11th April 2017 and in the Rajya Sabha on 26th July 2017. The debates in both the Houses of the Parliament are placed at pages A-170 to A-221 of Appendix-A. The Bill, as passed by both the Houses, received the assent of the President on 4th August 2017 and it became an Act, namely, the Collection of Statistics (Amendment) Act, 2017 (21 of 2017). The Act addressed the afore-mentioned legislative vacuum.

1.24 The COS (Amendment) Act, 2017 was notified by the Legislative Department for general information *vide* Gazette Notification dated 5th August 2017 (given at pages B-54 to B-55 in the Appendix-B). The Act was brought into force on 3rd October 2017 *vide* Gazette Notification dated 29th September 2017 (given at page B-56 in the Appendix-B). The words 'except the State of Jammu and Kashmir' in sub-section (2) of section 1 of the COS Act, 2008 have been substituted by the words 'Provided that it shall apply to the State of Jammu and Kashmir in so far as it relates to statistics pertaining to matters falling under any of the entries specified in List I (Union List) or List III (Concurrent List) in the Seventh Schedule to the Constitution as applicable to that State.' *vide* this amendment Act of 2017.

Appointment of nodal officer:

1.25 Rule 3 of the COS Rules, 2011 empowers the appointment of a nodal officer of appropriate rank at the Centre and at the State level to exercise powers and perform duties prescribed under the Rules, especially those under rule 4. Exercising these powers, the Additional Director General handling statistical coordination in the MOSPI has been designated as the Nodal Officer. The Nodal Officer

at the Centre must submit annual reports to the Central Government under clause (e) of sub-rule (1) of rule 4 of the rules. A Notification was issued on 14th September 2018 to this effect by the MOSPI designating the nodal officer. The Notification is placed on pages B-57 to B-61 of Appendix-B. The Notification prescribes *inter alia* that the nodal officer shall include in his report, details of complaints and prosecution cases, any difficulties reported in implementation and the assessment thereof of the nodal officer, directions of the Government on previous Annual Reports submitted by nodal officers, and the manner in which they were complied with. In other words, the material in the Annual Reports was supposed to form a basis for future amendments, if any, to be contemplated by the Government.

Second Amendment to the 2008 Act:

1.26 The Jammu and Kashmir Reorganisation Act, 2019 (extract given at pages B-62 to B-63 in the Appendix-B), which came into force on 31st October 2019, repealed the J & K COS Act, 2010. *Vide* the J & K Reorganization (Adaptation of Central Laws) Order, 2020 published *vide* Gazette Notification dated 18th March 2020 (extract given at pages B-64 to B-65 in the Appendix-B) and Union Territory of Ladakh Reorganisation (Adaptation of Central Laws) Order, 2020 *vide* Gazette Notification dated 23-10-2020 (extract given at pages B-66 to B-67 in the Appendix-B), the proviso in sub-section (2) of section 1 of the COS Act, 2008 has been omitted, which made it clearer that the application of the Act extends to the whole of India. These amendments were undertaken because of general policy of the Government and hence, neither the MOSPI nor the NSC had a say in the matter (being wholly non-statistical).

1.27 Executive power of the Central Government or a State Government is always co-extensive and coterminous with legislative power, and the legislative power is guided by the Constitution. Constitutional provisions on statistics are given in detail at Annexure-II appended to this chapter. The appropriate Government must keep in view these provisions for ascertaining its competence and jurisdiction before issuing a direction on collection of statistics on any subject under section 3 of the COS Act, 2008.

Third Amendment to the 2008 Act and rulemaking:

1.28 The Government introduced a Bill, called the Jan Vishwas (Amendment of Provisions) Bill, 2022 seeking to amend 183 provisions across 42 Acts administered by 19 Ministries to reduce the compliance burden on individuals and businesses with the twin objectives of ease of doing business and ease of living for the citizens. The COS Act, 2008 administered by the MOSPI was one of the Acts sought to be amended through the Bill. The Bill proposed several changes to the existing laws, including but not limited to: (a) decriminalizing various offences; (b) revision of various fines and penalties; (c) appointment of Adjudicating Officers; (d) establishment of Appellate Authorities; and (e) increase in the fines and penalties periodically. Through the 2022 Bill, decriminalization was proposed to be achieved in the following ways:

(1) both imprisonment and/ or fine are proposed to be removed;
(2) imprisonment is proposed to be removed and fine retained/ enhanced;
(3) imprisonment and/ or fine are proposed to be converted to penalty; and
(4) compounding of offences is proposed to be introduced.

1.29 **The Bill has endeavoured to identify many offences of minor nature and decriminalize them with monetary penalties, not only to make lives and businesses easier but also to reduce judicial burden. Settlement of large number of issues by compounding method and adjudication by administrative mechanism without involving courts was expected to enable persons to remedy minor contraventions and defaults, thereby saving time, energy and resources.**

1.30 **Usually, fine is imposed by a judicial court. Under the existing provisions, court can imprison a person to certain period and also impose fine or both. Instead of the imprisonment and fine, the Bill provided for an adjudication mechanism whereby an administrative authority, i.e. a quasi-judicial authority, would impose monetary penalty. So, there will be no fine; and the delinquent person concerned will pay penalty imposed by a quasi-judicial authority and get out of the whole judicial system.**

1.31 **A Parliamentary Joint Committee scrutinized the Jan Vishwas (Amendment of Provisions) Bill, 2022 and submitted its report to the Parliament in March, 2023[3]. Extracts of the report in respect of the COS Act, 2008 are given in pages A-222 to A-242 at Appendix-A. Based on the recommendations of the Committee, the Parliament passed the Bill in 2023. The Jan Vishwas (Amendment of Provisions) Act, 2023 [No. 18 of 2023] was notified by the Legislative Department *vide* Gazette Notification dated 11th August 2023 (extract relevant to the COS Act, 2008 is given in pages B-68 to B-71 of Appendix-B). Section 2 of the Act No. 18 of 2023 provides for appointing different dates for bringing into force the amendments relating to different enactments mentioned in the Schedule thereof.**

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[3] Available at: https://prsindia.org/files/bills_acts/bills_parliament/2022/Joint_Committee_on_the_Jan_Vishwas_(Amendment_of_Provisions)_Bill_2022.pdf

The COS Act, 2008 is at s. no. 39 of the Schedule. The MOSPI, *vide* Gazette Notification dated 2nd December 2024 (page B-72 of Appendix-B), appointed 10th December 2024 as the date from which the amendments in Act No. 18 of 2023 relating to the COS Act, 2008 shall come into force.

1.32 Further, it was specified in section 3 of the 2023 Act that fines and penalties provided under various provisions in the enactments mentioned in the Schedule thereof shall be increased by ten per cent of the minimum amount of fine or penalty, as the case may be, prescribed therefor, after the expiry of every three years from the date of commencement of this Act. This provision seems to have been introduced for the first time as a legislative proposal to save the precious limited time at the disposal of the Parliament as well. Be that as it may, this provision will not be of any consequence for the COS Act, 2008, as this Act did not prescribe any minimum amount of fine or penalty. The penal provisions after the third amendment given under section 15 of the 2008 Act prescribe only the maximum penalty.

1.33 The other amendment is given in section 2 of the Act No. 18 of 2023, which states that the enactments mentioned in column (4) of the Schedule are amended to the extent and in the manner mentioned in column (5) thereof. Serial no. 39 in the Schedule relates to the COS Act, 2008 and the amendments given in column (5) of the Schedule corresponding the COS Act, 2008 are briefly given below:

(a) In section 9, in sub-sections (2) and (3), for the word "prosecution", the word "penalty" shall be substituted.

(b) Sections 15 to 26 (i.e. Chapter IV) are replaced by new sections 15, 15A, 15B and 15C.

(c) In section 33, in sub-section (2), after clause (da), clauses (db) and (dc) were inserted to enable rule making on the manner of holding inquiry and imposing penalty under sub-section (1) of section 15A and on the form and manner of preferring appeal under sub-section (1) of section 15B.

1.34 The COS Act, 2008, after incorporating all the amendments, is given at pages B-73 to B-79 of the Appendix-B. Detailed clause-wise commentary along with implications of the amendments made is given in Chapter – 2. The MOSPI notified the Collection of Statistics Rules, 2024 (given at pages B-80 to B-102 in the Appendix-B), *vide* Gazette Notification dated 11th December 2024. These Rules repealed the COS Rules, 2011. Detailed clause-wise commentary of the rules along with implications of the amendments made is given in Chapter – 3. In exercise of the powers conferred under sections 3A and 3 (1) of the COS Act, 2008, the Additional Director General (Coordination and International Cooperation Division) in the MOSPI has been designated as the Nodal Officer, *vide* Notification dated 28th February 2025 (pages B-103 to B-104 of Appendix-B). In accordance with the requirement of laying the rules before both the Houses of Parliament, specified under sub-section (3) of section 33 of the COS Act, 2008, the COS Rules, 2024 were laid before the Lok Sabha on 10th February 2025 and before the Rajya Sabha on 10th March 2025. The rule-wise analysis and the differences in the two sets of rules are given in detail in Chapter – 3.

1.35 The amendments made to the COS Act, 2008 under the Jan Vishwas (Amendment of Provisions) Act, 2023 and the COS Rules, 2024 seem to have not been considered at their planning stage or

any subsequent stage by the NSC, as can be inferred from its relevant Annual Reports. This seems to be not only a deviation from the previous practice but may perhaps be tantamount to disregarding the mandate of the NSC. There are certain substantial statistical issues, which involve interpretation and application of FPOS while bringing these statutory changes, and hence, NSC could have been consulted before deciding to make those changes. A detailed analysis on this issue is given at appropriate places in the subsequent Chapters.

Annexure-I

Chronology of events in respect of the Collection of Statistics Act

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S. No.	Date	Event
1.	19-12-1952	The Collection of Statistics Bill (COS Bill), 1952 was introduced in the Lok Sabha.
2.	05-08-1953 & 06-08-1953	Lok Sabha debated on the COS Bill, 1952.
3.	26-08-1953 & 27-08-1953	Rajya Sabha debated on the COS Bill, 1952. It was passed as the Collection of Statistics Act (COS Act), 1953.
4.	18-09-1953	The COS Act, 1953 (32 of 1953) was notified.
5.	05-09-2001	The Rangarajan Commission appointed by the Government, in its report, recommended amending the COS Act, 1953.
6.	12-07-2006	The Government constituted a National Statistical Commission (NSC) on the basis of Rangarajan Commission's recommendations.
7.	09-11-2006	The NSC, in its 5th meeting, recommended repealing the COS Act, 1953 through a fresh COS Bill.
8.	26-04-2007	Union Cabinet approved the introduction of the COS Bill, 2007 in the Parliament to replace the COS Act, 1953.
9.	17-05-2007	COS Bill, 2007 was introduced in the Rajya Sabha.
10.	30-05-2007	COS Bill, 2007 was referred to the Departmentally related Parliamentary Standing Committee on Finance (SCF).
11.	18-03-2008	The SCF submitted its report which was presented to the Lok Sabha and laid in the Rajya Sabha.
12.	11-09-2008	On the basis of the recommendations of the SCF, Cabinet approved 32 amendments to the COS Bill, 2007 to be moved in the Rajya Sabha.
13.	17-09-2008	Minister of Statistics gave notice to the Rajya Sabha Secretariat for moving 32 amendments to the COS Bill, 2007.

S. No.	Date	Event
14.	19-12-2008	The COS Bill, 2007 along with the 32 amendments was debated in the Rajya Sabha.
15.	23-12-2008	The COS Bill, 2007 passed by the Rajya Sabha as COS Bill, 2008 was passed in the Lok Sabha without discussion.
16.	07-01-2009	The COS Bill, 2008 received the assent of the President and became an Act, i.e., COS Act, 2008.
17.	09-01-2009	The COS Act, 2008 was notified in the official gazette for general information by the Legislative Department.
18.	13-04-2009	MOSPI requested Government of J & K to repeal the J & K COS Act, 1961 and approach the Centre for extending the COS Act, 2008 to J & K.
19.	27-05-2009	Director General of the J & K State Directorate of Economics & Statistics vide his letter stated that a separate legislation has been drafted for the State on the lines of the COS Act, 2008.
20.	23-09-2009	MOSPI suggested to Chief Secretary, J & K that concerned officers of the State may meet at MOSPI and deliberate in detail on the need to extend the COS Act, 2008 to J & K.
21.	20-10-2009	Secretary, MOSPI took a meeting with officers of MOSPI, Legislative Department and J & K Government to request J & K to accord concurrence to extend the jurisdiction of the COS Act, 2008 to J & K as has been done in the case of other statistical statutes.
22.	04-11-2009	Principal Adviser, MOSPI took a meeting with Secretary, Planning and Development Department, Govt. of J & K and it was decided that the matter would be placed before the J & K Government again.
23.	11-06-2010	The COS Act, 2008 was brought into force.
24.	23-10-2010	The Jammu and Kashmir Collection of Statistics Act, 2010 was enacted by the J & K Legislature, repealing the Jammu and Kashmir Collection of Statistics Act, 1961.

S. No.	Date	Event
25.	15-03-2011	The J & K COS Act, 2010 was brought into force.
26.	16-05-2011	The COS Rules, 2011 were notified.
27.	04-08-2011 & 05-08-2011	The COS Rules, 2011 were tabled in the Lok Sabha and the Rajya Sabha.
28.	08-09-2011	Corrigendum to the COS Rules, 2011 was notified.
29.	21-07-2012	The NSC, in its Annual Report for 2011-12, recommended amendments to the COS Act, 2008 mainly to provide for extending the jurisdiction of the Act to J & K State in respect of matters not reserved for the State as per the Constitution (Application to Jammu and Kashmir) Order 1954.
30.	06-08-2012	The Jammu and Kashmir Collection of Statistics Rules, 2012 were notified.
31.	29-01-2014	The UN General Assembly adopted a resolution on Fundamental Principles of Official Statistics (FPOS).
32.	15-06-2016	Formal adoption of the FPOS was notified with the approval of the Union cabinet.
33.	15-02-2017	On the basis of NSC's recommendations, Union Cabinet decided to introduce the COS (Amendment) Bill, 2017.
34.	17-03-2017	The COS (Amendment) Bill, 2017 was introduced in the Lok Sabha.
35.	11-04-2017	The COS (Amendment) Bill, 2017 was passed in the Lok Sabha.
36.	26-07-2017	The COS (Amendment) Bill, 2017 was passed in the Rajya Sabha.
37.	04-08-2017	The COS (Amendment) Bill, 2017 passed by both the Houses received the assent of the President and became an Act, namely, the Collection of Statistics (Amendment) Act, 2017.
38.	05-08-2017	The Collection of Statistics (Amendment) Act, 2017 was notified by the Legislative Department for general information.
39.	03-10-2017	The Collection of Statistics (Amendment) Act, 2017 was brought into force.
40.	14-09-2018	Additional Director General handling statistical coordination in the MOSPI has been designated as the Nodal Officer as per COS Rules, 2011.

S. No.	Date	Event
41.	31-10-2019	The Jammu and Kashmir Reorganisation Act, 2019 came into force. It repealed the J & K COS Act, 2010.
42.	18-03-2020	Application of the COS Act, 2008 was extended to the whole of India *Vide* the Jammu and Kashmir Reorganization (Adaptation of Central Laws) Order, 2020 and the Union Territory of Ladakh Reorganisation (Adaptation of Central Laws) Order, 2020.
43.	11-08-2023	The Jan Vishwas (Amendment of Provisions) Act, 2023, after its passage by the Parliament, was notified by the Legislative Department for general information. The Act amended 183 provisions across 42 Acts administered by 19 Ministries. COS Act, 2008 was one of them.
44.	10-12-2024	The MOSPI brought the amendments made to the COS Act, 2008, *vide* the Jan Vishwas (Amendment of Provisions) Act, 2023, into force.
45.	11-12-2024	The MOSPI notified the COS Rules, 2024, repealing the COS Rules, 2011.
46.	10-02-2025 & 10-03-2025	The COS Rules, 2024 were laid before the Lok Sabha and the Rajya Sabha.
47.	28-02-2025	Additional Director General (Coordination and International Cooperation Division) in the MOSPI has been designated as the Nodal Officer as per COS Rules, 2024.

Annexure-II

Constitutional provisions on statistics

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I. Distribution of legislative powers between the Centre and the States is given in Part-XI of the Constitution. The Seventh Schedule in the Constitution gives the lists of subjects, namely, the Union List, the State List and the Concurrent List, indicating the division of powers between the Centre and the States. Important provisions under Part-XI are briefly indicated below:

(1) Parliament may make laws for the whole or any part of the territory of India, and the Legislature of a State may make laws for the whole or any part of the State. [Article 245]

(2) Parliament has exclusive power to make laws with respect to any of the matters enumerated in List I (Union List) in the Seventh Schedule in the Constitution. The Parliament and the Legislature of any State have power to make laws with respect to any of the matters enumerated in List III (Concurrent List) in the Seventh Schedule. The Legislature of any State has exclusive power to make laws for such State or any part thereof with respect to any of the matters enumerated in List II (State List) in the Seventh Schedule. The Parliament has power to make laws with respect to any matter for any part of the territory of India not included in a State notwithstanding that such matter is a matter enumerated in the State List. [Article 246]

(3) Residuary powers of legislation. — The Parliament has exclusive power to make any law with respect to any matter not enumerated in the Concurrent List or State List. [Article 248]

II. The subject 'Statistics' is incidental to every subject area in the three Lists. It is specifically and distinctly covered under the following entries in the Seventh Schedule of the Constitution.

Entry 94 of the Union List (List–I): Inquiries, Surveys and Statistics for the purpose of any of the matters in this List

Entry 45 of Concurrent List (List–III): Inquiries and Statistics for the purpose of any of the matters in List-II or List-III

III. The subject 'statistics' is not covered under the State List (List–II), which means that 'statistics' on all matters in the State List fall under the concurrent jurisdiction of the Centre and the States, in view of entry 45 of the Concurrent List.

IV. There are many matters in the three Lists of the Seventh Schedule of the Constitution on which statistics are collected. Under entry-69 (Census) in the Union List, the Census Act, 1948 was enacted. Under the provisions of this Act, decennial population censuses are being conducted. Under entry-30 (Vital statistics including registration of births and deaths) in the Concurrent List, the Registration of Births and Deaths (RBD) Act, 1969 was enacted. The civil registration system has been operating as per the

provisions of this Act. Under entry-94 in the Union List and entry 45 in the Concurrent List, the COS Act, 2008 has been enacted.

V. Till recently, there were special provisions in respect of the State of J & K in view of Article 370 of the Constitution and the Constitution (Application to Jammu and Kashmir) Order, 1954[4]. Under the 1954 Order, the Seventh Schedule was applicable to the State of Jammu and Kashmir in respect of the Union List and the Concurrent List with certain exceptions. The State List was not applicable to J & K, but residuary powers were with the State.

VI. The Constitution (Application to Jammu and Kashmir) Order, 2019[5] dated 5th August 2019 superseded the 1954 order and made all the provisions of the Constitution applicable to the State of J & K. In view of this, the Seventh Schedule is now wholly applicable without any exceptions to J & K. The Jammu and Kashmir Reorganisation Act, 2019[6], which came into force on 31st October 2019, made J & K as one Union territory and the Ladakh region as another Union territory. Being Union territories, the matters in the State List pertaining to the erstwhile J & K State now fall under the domain of the Centre.

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[4] ***Available at: https://images.assettype.com/barandbench/import/2019/08/Constitution-Order-1954.pdf***
[5] ***Available at: https://cdnbbsr.s3waas.gov.in/s395192c98732387165bf8e396c0f2dad2/uploads/2019/10/20191029100.pdf***
[6] ***Available at: https://www.indiacode.nic.in/bitstream/123456789/12030/7/a2019-34.pdf***

Chapter – 2

The Collection of Statistics Act, 2008

along with its amendments

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2.1 As already stated in the previous chapter, the COS Act, 2008 has been amended thrice, in the years 2017, 2020 and 2024. In this chapter, we will discuss the Act along with its amendments. The Act along with its amendments is given in the following paragraphs. The portion shown under red colour parentheses indicates the phrase or sentence or portion deleted by way of amendment. Similarly, the phrase or sentence or portion added or inserted by way of amendment is shown in red colour. The portion continued as originally enacted is shown in "------" colour. Sub-headings are given in "---------" colour and comments, where required, are given in "-------" colour in the footnotes. With this understanding, it would be easy to read distinctly the Act as originally enacted and as amended from time to time.

The Collection of Statistics Act, 2008
(No. 7 of 2009, dt. 07-01-2009)

Preamble or long title:

An Act to facilitate the collection of statistics on the economic, demographic, social, scientific and environmental aspects, and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-ninth Year of the Republic of India as follows:—

COMMENTS

2.2 ***In the preamble or long title of the Act, the objectives of the Act are given. The long title or complete name of the Act gives brief description of the purpose or scope of the Act, and it does not affect the operative provisions of the Act. However, where the operative provisions are unclear or ambiguous, the long title provides guidance to know the legislative intent.***

2.3 ***The phrase "economic, demographic, social, scientific and environmental aspects" covers the entire gamut of data collection in the government setup. The phrase "matters connected therewith or incidental thereto" takes care of all aspects surrounding the subjects of data collection, thus making the coverage and applicability as comprehensive as possible.***

CHAPTER I
PRELIMINARY

1. Short title, extent and commencement. - (1) This Act may be called the Collection of Statistics Act, 2008.

(2) It extends to the whole of India.

[1][except the State of Jammu and Kashmir]:

[Provided that it shall apply to the State of Jammu and Kashmir in so far as it relates to statistics pertaining to matters falling under any of the entries specified in List I (Union List) or List III (Concurrent List) in the Seventh Schedule to the Constitution as applicable to that State][2].

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[1] The words 'except the State of Jammu and Kashmir' have been substituted by the words 'Provided that it …. as applicable to that State.' vide Section 2 (2) of the Act 21 of 2017 w.e.f 3-10-2017.

[2] The proviso has been omitted vide the Jammu and Kashmir Reorganization (Adaptation of Central Laws) Order, 2020 published vide Notification No. S.O.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint[3].

COMMENTS

2.4 ***"Collection of Statistics Act, 2008" is the short title or the short name of the Act. Ideally, every Act should be extended to the whole of India. Because of special provisions applicable for some time to the State of J & K, the Act when enacted by the Parliament extended to the whole of India except the State of J & K. This position was overtaken by subsequent events, as explained in Chapter – 1, and finally the Act has been extended to the whole of India.***

2.5 ***The Legislature (in this case, the Parliament) provides for delegation of powers to the Executive (i.e. the Government) through any statute. This is exercised by the Legislature by making appropriate enabling provisions in a statute because of paucity of time and because it would not be feasible or possible to provide for minute details of every aspect in the main statute. The first and foremost among such provisions is the power to bring a statute into force from a certain date. This power has been delegated to the Central Government under section 1 (3). Similar provisions can be seen in all the Amendment Acts, which indicate that the amendments would be effective from the respective dates, appointed by the Central Government. For example, the COS Act, 2008 was brought into force on 11-06-2010 (page B-37), its 2017 Amendment Act was brought into force on 03-10-2017 (page B-56), its second amendment was brought into force on 18-03-2020 and on***

1123(E) dated (18-3-2020) and vide Union Territory of Ladakh Reorganisation (Adaptation of Central Laws) Order, 2020, Notification No. S.O. 3774(E), dated (23-10-2020).

[3] The Collection of Statistics Act, 2008 was notified by the Legislative Department for general information on 9th January 2009. The Act was brought into force through another Notification of MOSPI on 11th June 2010.

23-10-2020 (pages B-64 to B-67), and its third amendment was brought into force on 10-12-2024 (page B-72).

2. Definitions. - In this Act, unless the context otherwise requires,—

COMMENTS

2.6 *Various terms used in enactments or rules made thereunder, if found defined in the General Clauses Act, 1897 (10 of 1987), will usually have the same meanings, as given in the General Clauses Act. Otherwise, they will have meanings as normally understood (dictionary meanings) as may be consistent with the objectives of the enactment or rule. If, in a given enactment, it is proposed to give meanings to some words different from these two categories, such meanings are given under the section dealing with definitions (usually section 2 or rule 2). The objective of such definitions is to avoid the necessity of frequent repetitions in describing all the subject matter to which the word or expression so defined is intended to apply. On the other hand, if a word used in an enactment or rule is not defined thereof, firstly a reference has to be made to the General Clauses Act and if the word is found defined there, the word should be construed accordingly. If the word is not defined in the General Clauses Act also, then the word has to be construed as per its literal meaning, consistent with the purposes of the enactment.*

2.7 *A particular expression is often defined in an enactment by using the word 'means' or the word `includes'. When the word "means" is used in the definition, it is a "hard-and-fast" definition and no meaning other than that which is put in the definition can be assigned to the same. On the other hand, when the word "includes" is used in the definition, it means that the legislature did not intend to restrict the definition but intended to make it enumerative (but not exhaustive). Inclusive definitions are those which mention a few of the examples when defining a particular term. It*

implies that the term does not restrict itself to only those illustrations, and that they are just indicative to much broader concepts of similar standing. Under this section, ten words / expressions have been defined, of which only one definition, namely, "agency", used the word 'includes' and the rest used the word 'means'.

(a) "agency" includes a person or persons engaged by the appropriate Government, directly or by outsourcing, for collection of statistics;

COMMENTS

2.8 *The word "agency" has been defined inclusively. It is used in sections 4, 7, 9, 11, 13, 30, 31 and 33 of this Act. The word "agency" includes a person or persons engaged by the appropriate Government, directly or by outsourcing, for collection of statistics. The word "person" is not defined in this Act. According to section 3 (42) of the General Clauses Act, 1897, the word "person" shall include any company or association or body of individuals, whether incorporated or not. The word "person" used in this Act has to be understood in this sense. The word "outsourcing" has not been defined in this Act or the General Clauses Act. Hence, its literal meaning has to be taken. That meaning is "obtaining goods or a service by contract from an outside supplier". In this case, it means procuring a service of collection of statistics by contract from an outside supplier. Good number of Government Departments / Offices conduct statistical surveys through Non-Governmental Organisations (NGOs). If the concerned Government Department decides to conduct the surveys under the provisions of this Act, all such NGOs would be bound by the provisions of this Act. This is a reasonable provision because in all such cases surveys are carried out with public money.*

(b) "appropriate Government" means —

(i) any Ministry or Department in the Central Government; or

(ii) any Ministry or Department in a State Government or Union territory Administration; or

(iii) any local government that is to say, Panchayats or Municipalities, as the case may be;

in relation to the collection of statistics under a direction issued by it under section 3;

COMMENTS

2.9 *The phrase "appropriate Government" is used in relation to the collection of statistics under a direction issued under section 3. The expression is used in sections 2 (a), 2 (g), 2 (h), 3, 4, 10, 11, 12, 15A, 15B, 30, 31 and 33 of this Act. The definition covers all the three tiers of the Government.*

(c) "informant" means any person, who supplies or is required to supply statistical information and includes a owner or occupier or person in-charge or his authorised representative in respect of persons or a firm registered under the Indian Partnership Act, 1932 (9 of 1932) or a co-operative society registered under any Co-operative Societies Act or a company registered under the Companies Act, 1956 (1 of 1956) or a society registered under the Societies Registration Act, 1860 (21 of 1860) or any association recognised or registered under any law for the time being in force;

COMMENTS

2.10 *The word "informant" means any person, who supplies or is required to supply statistical information and includes an illustrative list, as given in section 2 (c) of the Act. The word is used in sections 2 (g), 4, 5, 6, 8, 9, 10,*

11 and 14 of this Act. The Companies Act, 1956 has been repealed by the Companies Act, 2013. Although the words "the Companies Act, 1956 (1 of 1956)" given in this definition have become redundant because of this repeal, the words "or any association recognised or registered under any law for the time being in force" given in the definition takes care of such changes.

2.11 *At times, a question may be raised as to whether a Government Department / Office is covered under the definition of "informant", as situations may arise when any Department / Office is called upon to furnish some information by another Department / Office or any person. Definitely, such situations would be there. For example, an Employment Exchange Office may seek details of vacancies from all the Government Departments, or the Staff Selection Commission or the Union Public Service Commission or any State Public Service Commission may ask for similar details from all the Ministries / Departments. At times, a Department may ask for survey data from another Department. All such situations are covered through sharing of information among Departments within the ambit of statistical coordination and under the measures to avoid unnecessary duplication of data collection programs, to be handled by nodal officers under the Act. Regarding persons seeking information from the Government, a separate law, namely, the Right to Information (RTI) Act, 2005 is in place. Hence, Government Departments / Offices are not covered under the definition of "informant", as there is no need to do so.*

(d) "information schedule" means any book, document, form, card, tape, disc, or any storage media on which information required is entered or recorded or is required to be entered or recorded for statistical purposes under this Act;

COMMENTS

2.12 The expression "information schedule" is used in sections 5, 9, 11, 12, 13, and 15 of this Act. It covers the media (paper as well as electronic) on which information is collected as also the means on which such information is kept or stored after collection. Nowadays, paper schedules and electronic schedules are being used for data collection. Computer-assisted personal interviewing (CAPI) and on-line submission of returns have also become the order of the day. All such formats and mediums are covered within the ambit of the definition of "information schedule".

[4](da) "nodal officer" means the officer designated as a nodal officer under sub-section (1) of section 3A;

COMMENTS

2.13 The expression "nodal officer" is used in sections 3A and 33 of this Act. The Central Government (MOSPI) and the States/ UTs have notified the designation of their nodal officers.

(e) "prescribed" means prescribed by rules made under this Act;

COMMENTS

2.14 The word "prescribed" is used in sections 3A, 4, 6, 9, 15A, 15B and 33 of this Act. Wherever this word is used, unless the context otherwise suggests, it gives an indication to the scope of delegated legislation for making rules on the issue.

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[4] Inserted vide Act 21 of 2017 [the Collection of Statistics (Amendment) Act, 2017] s. 3 (w.e.f. 3-10-2017). Clause (da) was inserted through this amendment.

(f) "sampling" means a statistical procedure by which information relating to a particular field of inquiry is derived by applying statistical techniques to information obtained in respect of a proportion of the total number of persons or units concerned relevant to the field of inquiry;

COMMENTS

2.15 The word "sampling" defined in section 2 (f) is used in section 6 of this Act. Dictionary meaning of the word is inadequate to explain. Meaning of this word in the subject of Statistics may not be taken automatically. To settle this confusion, the word has been defined.

(g) "statistical survey" means a census or a survey, whereby information is collected from all the informants in the field of inquiry or from a sample thereof, by an appropriate Government under this Act or any other relevant Act, wholly or primarily for the purposes of processing and summarising by appropriate statistical procedures;

COMMENTS

2.16 The expression "statistical survey" is used in sections 2 (h) and 3 of this Act. It covers censuses, sample surveys, panel surveys and all other kinds of surveys. A statistical survey is a means to collect information, process it and summarise it to be used by Government in planning and policy formulation.

(h) "statistics" means statistics derived by collecting, classifying and using statistics, specially in or for large quantities or numbers by appropriate Government from statistical surveys, administrative and registration records, and other forms and papers, the statistical analyses of which are, whether in a published or unpublished form;

COMMENTS

2.17 *The way it is defined, the word "statistics" covers administrative statistics, censuses, surveys, data collection, data preparation and report generation. It is used in sections 2 (a), 2 (b), 3, 3A, 4, 5, 8, 9, 11, 13, 14, 27, 29 and 33 of this Act.*

(i) "statistics officer" means any officer appointed under section 4 for the purposes of any direction issued under section 3 of this Act.

COMMENTS

2.18 *The expression "statistics officer" is used in sections 4, 5, 7, 8, 9, 13, 29, 30, 31 and 33 of this Act. A statistics officer need not always be an employee of the Government. Plain dictionary meaning of the word "Officer" is a person who has a position of authority in an organisation. The organisation may or may not be a Government Organisation. Hence, a person holding a position in a Non-Governmental Organisation (NGO) may also be appointed as a statistics officer. Statistics officer is an important functionary in the whole scheme of things under this collection of statistics law.*

CHAPTER II
COLLECTION OF STATISTICS

3. Collection of statistics. – The appropriate Government may, by notification in the Official Gazette, direct that the statistics on economic, demographic, social, scientific and environmental aspects shall be collected through a statistical survey or otherwise, and thereupon the provisions of this Act shall apply in relation to those statistics:

Provided that —

(a) nothing contained in this section shall be deemed to authorise a State Government or Union territory Administration or any local government to issue any direction with respect to the collection of statistics relating to any matter falling under any of the entries specified in List I (Union List) in the Seventh Schedule to the Constitution; or

(b) where the Central Government has issued any direction under this section for the collection of statistics relating to any matter, no State Government or Union territory Administration or any local government shall, except with the previous approval of the Central Government, issue any similar direction for so long as the collection of such statistics by the Central Government remain to be completed; or

(c) where a State Government or Union territory Administration or any local government has issued a direction under this section for the collection of Statistics relating to any matter, the Central Government shall not issue any similar direction for so long as the collection of such statistics by the State Government remain to be completed, except in cases where such statistics have to be collected with reference to two or more States or Union territories.

COMMENTS

2.19 Section 3 of this Act provides for issuing directions by the appropriate Government, for collection of statistics and thereupon the provisions of this Act shall apply in relation to those statistics. The proviso under section 3 is, in a way, a means to avoid duplication of collection of statistics by different Government offices and thereby reducing informants' burden. States / UTs and local Governments shall not issue directions on collection of statistics in respect of subjects falling in the Union List, since the Centre has an exclusive jurisdiction on such issues. In all other cases, either of them has to resist the temptation of going ahead

when the other party has already initiated the process of collecting statistics. These provisions are intended to protect informants from being over-surveyed.

2.20 *The only exception has been given to the Centre when it plans to collect statistics in two or more States / UTs even when that process has already been initiated in one of the States / UTs. No doubt there is an element of duplication in it, which perhaps can also be avoided if the Centre feels that it can have an arrangement to share data with the concerned State / UT.*

[5]3A. Nodal officer. - (1) The Central Government or a State Government or a Union territory Administration shall designate one of its officers as a nodal officer for the purposes of statistics under this Act.

(2) The nodal officer shall coordinate and supervise such statistical activities in the Central Government or the State Government or Union territory Administration, as the case may be, in which he is designated, and shall exercise such other powers and perform such other duties, as may be prescribed.

COMMENTS

2.21 *Section 3A provides for designating a nodal officer by the Central Government and by the State Governments/ UT Administrations. The rules made under this Act also provided for this arrangement. Unlike a statistics officer who may or may not be a Government officer, a nodal officer has to be from the Government. Section 3A enables rulemaking in respect of powers and functions of nodal officers.*

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[5] Inserted vide Act 21 of 2017 [the Collection of Statistics (Amendment) Act, 2017] s. 4 (w.e.f. 3-10-2017). Section 3A was inserted through this amendment.

4. Powers of appropriate Government to appoint statistics officer, etc. - (1) The appropriate Government may appoint or cause to appoint an officer to be the statistics officer for any geographical unit for the purpose of collecting any statistics directed by it.

(2) The appropriate Government may appoint any agency or persons working in such agencies to take, or aid in, or supervise the collection of the statistics within any specified geographical unit and such agencies or persons, when so appointed, shall be bound to serve accordingly.

(3) The appropriate Government may employ on contract basis any agency or company or organisation or association or person, on such terms and conditions and on such safeguards as may be prescribed, for the purpose of collecting the statistics directed by it.

(4) The appropriate Government may delegate to any statistics officer, as it thinks fit, the power of appointing agencies or persons working in such agencies or employing on contract basis any agency or company or organisation or association of persons, conferred on it by sub-sections (2) and (3) within the geographical unit for which such statistics officer is appointed.

(5) The appropriate Government may, by order, specify the form, the particulars required or the interval within which, and the statistics officer to whom, the statistical information by the informants shall be furnished.

(6) The appropriate Government may, by order published in the Official Gazette, delegate to any statistics officer, as it thinks fit, any power conferred under sub-section (5) for the purpose of the collection of statistics under a direction issued by it under section 3.

COMMENTS

2.22 ***Section 4 deals with the power of the appropriate Government in appointing statistical officers, agencies, persons etc., for the collection of the statistics directed by it and in delegating to any statistics officer the power to do so (except appointing statistical officers). It also deals with the power of the appropriate Government in specifying the format for data collection, the periodicity and the statistics officer to whom the data shall be furnished and in delegating to any statistics officer the power to do so. This section provides for decentralised planning of collecting statistics, as it facilitates appointing statistics officers for each subject of data collection and for each geographical unit. Section 4 (3) enables rulemaking in respect of terms and conditions and safeguards to be observed while engaging any agency or person for collecting statistics.***

5. Power of statistics officer to call for information. - The statistics officer may, for the purpose of collection of statistics on any specified subject in any geographical unit for which the said officer was appointed —

(a) serve or cause to be served on any informant a notice in writing asking him to furnish the information specified under sub-section (5) of section 4 or cause a information schedule to be given to any informant for the purpose of its being filled up; or

(b) cause all questions relating to the subject to be asked from any informant; or

(c) seek information through tele fax or telephone or e-mail or in any other electronic mode or in a combination of different modes for different sets of information so specified.

COMMENTS

2.23 *Section 5 deals with the means of collection of statistics, namely, to obtain returns (call for information by serving notices to informants), leaving the format with informants for its being filled up, interviewing informants, seeking information through tele fax or telephone or e-mail or in any other electronic mode or in a combination of different modes for different sets of information. A statistics officer may employ any or all these means in any statistical survey, according to field situations.*

6. Duty of informants. - The informants who are asked to furnish any information under the provisions of this Act shall be bound to furnish the information so asked in the prescribed manner to the best of knowledge or belief; and in cases where only a portion of a particular class or group of persons or units is asked to furnish information because of any sampling procedure, it shall not be a defence in failure on the part of any informant to furnish that information, if so asked.

COMMENTS

2.24 *Section 6 lays down that informants shall be bound to furnish information sought from them to the best of their knowledge or belief. In some cases, a representative sample of informants is selected for collecting data. The selected informants should not feel unnecessarily targeted and hence, the fact that only they have been picked up and others are left out cannot be their defence for not furnishing information. Similarly, the informants who are not surveyed due to sampling should not feel being neglected or ignored. In statistical surveys, often sampling techniques are employed for a variety of reasons, such as its cost-effectiveness, its much wider scope in covering details compared to a census, and its amenability in controlling non-sampling errors etc. Common man, being not aware of these nuances, may find himself at sea when his enterprise or household is*

selected for survey, leaving out his neighbours. This section makes one believe that such arrangements in surveys are genuine and legal, and there is nothing fishy or unusual in it.

7. All agencies to assist. - Every agency shall render such help and assistance and furnish such information to the statistics officer or a person or an agency authorised by him in writing, as he may require for the discharge of his functions, and shall make available for inspection and examination of such records, plans and other documents, as may be necessary.

COMMENTS

2.25 *Under the provisions of this Act, the appropriate Government can engage any agency, person or persons, directly or by outsourcing, for collection of statistics. It also has power to appoint a statistics officer. Particularly in cases of outsourcing, situations may arise where the agencies/ persons and a statistical officer belong to different streams/ organisations etc. In view of this, it is necessary to ensure that the agencies/ persons engaged in data collection are amenable to the discipline of the statistics officer and persons / agencies authorised by him in the conduct of inspections and examination of required documents. Section 7 is intended to achieve this objective.*

8. Right of access to records or documents. - The statistics officer or any person authorised by him in writing in this behalf shall, for the purposes of collection of any statistics under this Act, have access to any relevant record or document in the possession of any informant required to furnish any information under this Act, and may enter at any reasonable time any premises where he believes such record or document is kept and may inspect or take copies of relevant records or documents or ask any question

necessary for obtaining any information required to be furnished under this Act.

COMMENTS

***2.26** To make the operation of collection of statistics successful, it is necessary to empower statistics officer and persons authorised by him to have access to relevant records / documents of informants, to enter any premises where they are kept and to inspect or take copies of records / documents or interview informants for obtaining any information required. Section 8 provides for all these. All these steps are incidental to data collection in any statistical survey.*

CHAPTER III
DISCLOSURE OF INFORMATION IN CERTAIN CASES AND RESTRICTIONS OF THEIR USE

9. Security of information. – [6](1) [Any information furnished to the statistics officer or to any person or agencies authorised under this Act shall only be used for statistical purposes.] The statistics officer or any person or agencies authorized under this Act shall, for statistical purposes, use any information furnished under section 6 in such manner as may be prescribed.

(2) No person other than a person engaged in the work of collection of statistics under this Act or preparation of statistics resultant to such collection shall be permitted to see any information schedule or any answer to a question asked, except for the purposes of a [prosecution] penalty[7] under this Act.

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[6] Substituted vide Act 21 of 2017 [the Collection of Statistics (Amendment) Act, 2017] s. 5, for sub-section (1) (w.e.f. 3-10-2017). The portion in the parentheses was deleted through this amendment.

(3) No information contained in any information schedule and no answer to any question asked shall, except for the purposes of a [7][prosecution] penalty under this Act, be separately published, or disclosed without suppressing the identification of informants to any agency.

(4) All statistical information published by any agency shall be arranged in such a manner so as to prevent any particulars becoming identifiable by any person (other than the informant by whom those particulars were supplied) as the particulars relating to the informant who supplied it, even through the process of elimination, unless –

(a) that informant has consented to their publication in that manner; or

(b) their publication in that manner could not reasonably have been foreseen by the concerned agency or any employee thereof.

(5) For the purposes of sub-section (4), the Central Government may make such rules or make such arrangement, as it may consider necessary.

COMMENTS

2.27 Principle no. 6 of the UN FPOS (formally adopted much later by the Government of India, vide Notification issued on 15th June 2016) states: "Individual data collected by statistical agencies for statistical compilation, whether they refer to natural or legal persons, are to be strictly confidential and used exclusively for statistical purposes". Section 9 of this Act, which is consistent with this Principle, deals with security of information collected under this Act, by way of restrictions on disclosure of information. The amendment made to the Act in 2017 empowered the Central Government

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[7] *Subs. by Act 18 of 2023 [the Jan Vishwas (Amendment of Provisions) Act, 2023], s. 2 and Schedule for "prosecution" (w.e.f. 10-12-2024).*

to make rules on the way information collected under section 6 could be used for statistical purposes by a statistics officer or any person or agencies. Unauthorised access to the information schedules is not permitted except for the purposes of a penalty under the Act. This exception is necessary, because information schedules may have to be produced as evidence in cases where penalty for furnishing false or incomplete information has to be processed.

2.28 *Government has been releasing unit level data (data of individuals, households, enterprises etc.) to promote research and extensive usage of data. It is laid down that no information contained in any information schedule shall be separately published or disclosed without suppressing the identification of informants. This process is called anonymisation. It is also laid down that disclosure of information after such suppression of identification shall not facilitate identification of particulars of any person even by way of elimination. To illustrate this feature, let us assume that there are only two cement factories in a district from which data has been collected. It is not enough if the data is disclosed after supressing the identification details of the two factories. This is because it may be in public knowledge that there are only two cement factories in the district, and which one is relatively larger. With this idea, they will be able to identify data of each of the two factories even without having identification details. Even if the public is not aware, any of the two factory managements would know the data of the other factory. Hence, disclosure of data in this manner is a violation of the provisions under section 9. Secondly, it is also not enough if the data of the two factories (after suppressing identification details) is combined and disclosed. This is because one of the two factory managements would know the data of the other factory by eliminating its own data from the combined data of two factories and in the process would identify the data of the other factory. This is also a violation of the provisions under section 9. The only exceptions for these provisions are*

when consent of informants is available for publication or when publication in an erroneous manner could not reasonably have been foreseen.

10. Appropriate Government authorised to disclose certain information. – Notwithstanding the provisions contained in section 9 of this Act, the appropriate Government may disclose the following information, namely: -

(a) information supplied by informant in respect of which disclosure is consented to in writing by the informant or by any person authorised by the said informant;

(b) information otherwise available to the public under any Act or as a public document;

(c) information in the form of an index or list of the names and addresses of informants together with the classification, if any, allotted to them and the number of persons engaged.

COMMENTS

2.29 *The provisions under sections 10 to 12 of this Act have an overriding effect on the provisions under section 9, in view of the non-obstante clause, namely, 'Notwithstanding anything contained in section 9 of this Act', used in the provisions. The provisions under section 10 that override the provisions under section 9 are that the appropriate Government may disclose such information: (i) for which informant's consent has been obtained, (ii) which is otherwise available to the public under any Act or as a public document, and (iii) which is in the form of an index or list of the names and addresses of informants together with the classification, if any, allotted to them and the number of persons engaged (For example, lists of units registered under different laws are available in public domain.).*

11. Disclosure of information schedules for *bona fide* research or statistical purposes. - (1) Notwithstanding the provisions contained in section 9 of this Act, the appropriate Government may disclose individual returns or formats or information schedules to other agency or person or institutions or Universities solely for *bona fide* research or statistical purposes pursuant to their functions and duties.

(2) No individual return or information schedule shall be disclosed pursuant to this section unless —

(a) the name and address of the informant by whom the schedule or related information was supplied is deleted;

(b) every agency or person or institutions or Universities involved in the research or statistical project makes a declaration to use the schedules disclosed to them only for *bona fide* research or statistical purposes; and

(c) the appropriate Government, making such disclosure is satisfied that the security of the schedules and any information contained therein shall not be impaired.

(3) The published results of any research or statistical project shall not divulge any more information than what the agency authorised for collection of statistics could publish under this Act.

(4) Every agency or person or institutions or Universities to whom any individual return or information schedule is disclosed under this section shall comply with directions given by the agency authorised for collection of statistics making the disclosure relating to the schedules and any information contained therein.

COMMENTS

2.30 ***The provision under section 11 that overrides the provisions under section 9 is that the appropriate Government may disclose individual returns or formats or information schedules to other agency or person or institutions or Universities solely for bona fide research or for statistical purposes. This exception is subject to further restrictions, namely, no individual return or information schedule shall be disclosed pursuant to this section unless: (a) the name and address of the informant by whom the schedule or related information was supplied is deleted; (b) every user makes a declaration to use the schedules disclosed to them only for bona fide research or statistical purposes; and (c) the appropriate Government is satisfied that the security of the schedules and any information contained therein shall not be impaired. The published results of any research or statistical project shall not divulge any more information than what the agency authorised for collection of statistics could publish under this Act. Every agency or person or institutions or Universities to whom any individual return or information schedule is disclosed shall comply with directions given by the agency from whom it was obtained.***

12. Disclosure of historical documents. - Notwithstanding anything contained in section 9 of this Act, the appropriate Government may release such documents relating to information schedules, which in its opinion have attained historical importance.

COMMENTS

2.31 ***The provision under section 12 that overrides the provisions under section 9 is that the appropriate Government may release such documents relating to information schedules, which in its opinion have attained historical importance. For example, if the households of renowned persons were covered in a survey conducted more than 100 years ago, the***

Government may decide to disclose the relevant information schedules to the public, as they have attained historical importance.

13. Security of recorded information. - The statistics officer or any person or agency authorised for collection of statistics shall, while copying or recording any statistical information collected pursuant to this Act from individual returns, information schedules, worksheets or any other confidential source by means of cards, tapes, discs, films, or any other method, whether using encoded or plain language symbols for processing, storage, or reproduction of particulars, take and cause to take such steps as are necessary to ensure that the security provisions of this Act are complied with.

COMMENTS

2.32 *The provisions under section 13 are relevant in respect of data preparation and data storage. The statistics officer or any person or agency authorised for collection of statistics shall, while copying or recording any statistical information from individual returns, information schedules, worksheets or any other confidential source by means of cards, tapes, discs, films, or any other method, whether using encoded or plain language symbols for processing, storage, or reproduction of particulars, take such steps as are necessary to ensure that the security provisions of this Act are complied with.*

14. Restrictions on use of information. - Save as otherwise provided under this Act,—

(a) no information obtained pursuant to this Act and no copy of the information in the possession of any informant shall be disclosed or used as evidence in any proceedings whatsoever; and

(b) no person who has access to any information because of his official position in the collection of any statistics shall be compelled in any proceedings whatsoever to give oral testimony regarding the information or to produce any schedule, document, or record with respect to any information obtained in the course of administering this Act,

except in the manner provided under this Act.

COMMENTS

2.33 Section 14 lays down restrictions on use of information obtained pursuant to the Act. No information and no copy of the information in the possession of any informant shall be disclosed or used as evidence in any proceedings whatsoever; and no person who has access to any information because of his official position in the collection of any statistics shall be compelled in any proceedings whatsoever to give oral testimony regarding the information or to produce any schedule, document, or record with respect to any information obtained in the course of administering this Act, except in the manner provided under the Act. The first provision broadly indicates that any copy of a record/ return kept by the informants on the information furnished by them under this Act shall not be admissible as evidence in any proceedings. Usually, business enterprises keep office copies of returns filed / submitted by them under different laws. This provision prohibits using even such office copies of returns (submitted under the provisions of this Act) as evidence for prosecution under any laws (other than for penalty proceedings under the COS Act, 2008). The second provision prohibits compelling any official involved in collection of statistics from giving oral testimony on the information collected in any proceedings, other than for any penalty proceedings under the COS Act, 2008. In view of section 32 of the Act, these provisions have overriding effect over the relevant provisions under the Indian Evidence Act, 1872 (presently the Bharatiya Sakshya Adhiniyam, 2023, which repealed the Indian Evidence

Act, 1872). These provisions give enormous confidence to informants in furnishing true information, as they would be sure that it would not be used for non-statistical purposes and in any case, not against them.

2.34 *In view of this provision, the provisions under this Act cannot be used to collect information from enterprises when the Government fails to collect such information under relevant statutes for administering those statutes. Reason for this limitation is that individual or unit level data would be required to assess whether an enterprise is following statutory provisions and to punish in case of contraventions under those laws and this provision under section 14 restricts use of information collected under this Act for such purposes.*

[8][CHAPTER IV
OFFENCES AND PENALTIES

15. Penalty for neglect or refusal to supply particulars. – (1) Whoever fails to produce any books of accounts, vouchers, documents, or other business records, or whoever neglects or refuses to fill in and supply the particulars required in any information schedule or return given or sent to him, or whoever neglects or refuses to answer any question or inquiry addressed to him as may be required under or for the purposes of any provision of this Act and the rules made thereunder, shall be punishable with a fine which may extend to one thousand rupees or, in the case of a company, with a fine which may extend to five thousand rupees.

(2) The conviction of a person or company for an offence shall not relieve him or it of the obligations under sub-section (1) and if after the expiry of fourteen days from the date of conviction, he or it still fails to give the required particulars or continues to neglect or refuses to fill in and supply the particulars or, to answer the question or inquiry, then he or it shall be punishable with a further fine which may extend to one thousand rupees or, in the case of a company, with a fine which may extend to five thousand rupees, for each day after the first during which the failure continues.

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[8] Substituted by Act 18 of 2023 [the Jan Vishwas (Amendment of Provisions) Act, 2023], s. 2 and Schedule for CHAPTER IV (w.e.f. 10-12-2024). The portion in the parentheses was deleted through this amendment.

16. Penalty for making false statement. – Whoever, wilfully makes any false or misleading statement or material omission in any information schedule or return filled in or supplied, or in answer to any question asked to him under this Act or the rules made thereunder, shall be punishable with simple imprisonment for a term which may extend to six months or with a fine which may extend to one thousand rupees or, in the case of a company, with a fine which may extend to five thousand rupees or with both.

17. Penalty for mutilation or defacement of information schedule. – Whoever, destroys, defaces, removes, or mutilates any information schedule, form, or other document containing particulars collected under this Act or requesting any such particulars shall be punishable with simple imprisonment for a term which may extend to six months or with a fine which may extend to two thousand rupees or, in the case of a company with a fine which may extend to ten thousand rupees or with both.

18. Penalty for obstruction of employees. – Whoever, interferes with, hinders, or obstructs any employee in the exercise of any power or duty conferred by this Act shall be punishable with simple imprisonment for a term which may extend to six months or with a fine which may extend to two thousand rupees or, in the case of a company with a fine which may extend to ten thousand rupees or with both.

19. Penalty for other offences. – Whoever —

(a) acts in contravention of or fails to comply with any provision of this Act or any requirement imposed under this Act; or

(b) willfully deceives or attempts to deceive any statistics officer or any agency or any employee thereof;

shall be punishable with simple imprisonment for a term which may extend to six months or with a fine which may extend to two thousand rupees or, in the case of a company, with a fine which may extend to ten thousand rupees or with both.

20. Penalty for failure to carry out duties and functions by the employees. – If any person employed in the execution of any duty or functions under this Act,—

(a) omits without lawful excuse to carry out his duty, or knowingly makes any false declaration, statement or return; or

(b) pretends performance of his duties or obtains or seeks to obtain information which he is not authorised to obtain; or

(c) fails to keep inviolate the secrecy of the information gathered or entered in the information schedules collected pursuant to this Act and, except as permitted under this Act, divulges the contents of any

schedule filled in or any information furnished by any informant under this Act,

shall be punishable with simple imprisonment for a term which may extend to six months or with a fine which may extend to two thousand rupees or, in the case of a company, with a fine which may extend to ten thousand rupees or with both.

21. Penalty for impersonation of employee. – Whoever, not being authorised to collect statistics under the provisions of this Act, by words, conduct or demeanor pretends that he is authorised to do so, shall be punishable with simple imprisonment for a term which may extend to six months or with a fine which may extend to two thousand rupees or, in the case of a company, with a fine which may extend to ten thousand rupees or with both.

22. General penalty. – Whoever, commits an offence under this Act for which no penalty is prescribed elsewhere than in this section, shall be punishable with simple imprisonment for a term which may extend to six months or with a fine which may extend to two thousand rupees or, in the case of a company, with a fine which may extend to ten thousand rupees or with both.

23. Offences by companies. – (*1*) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(*2*) Notwithstanding anything contained in sub-section *(1)*, where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Explanation.— For the purpose of this section—

(*a*) "company" means any body corporate and includes a firm or other association of individuals; and

(*b*) "Director", in relation to a firm, means a partner in the firm.

24. Cognizance of offences. – No court shall take cognizance of any offence under this Act except on a compliant made by the appropriate Government or an officer authorised in this behalf by such appropriate Government or, as the case may be, the statistics officer, and no court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence punishable under this Act.

25. Sanction for prosecution for offence. – No prosecution for an offence committed by any informant shall be instituted except by or with the sanction of the statistics officer, and no prosecution for an offence committed by persons other than informants shall be instituted except by or with the consent of the appropriate Government.

26. Power of court to try cases summarily. – Notwithstanding anything contained in the Code of Criminal Procedure, 1973, all offences under this Act shall be tried in a summary way by a Judicial Magistrate of the first class or by a Metropolitan Magistrate and the provisions of sections 262 to 265 (both inclusive) of the said Code shall, as far as may be, apply to such trial:

Provided that when in the course of, a summary trial under this section it appears to the Magistrate that the nature of the case is such that it is, for any reason, undesirable to try the case summarily, the Magistrate shall after hearing the parties, record an order to that effect and thereafter recall any witness who may have been examined and proceed to hear or rehear the case in the manner provided by the said Code.]

CHAPTER IV

PENALTIES AND ADJUDICATION

15. Penalty for neglect or refusal to supply particulars and other contraventions.— (1) Whoever fails to produce any books of account, vouchers, documents or other business records or whoever neglects or refuses to fill in and supply the particulars required in any information schedule or return given or sent to him or whoever neglects or refuses to answer any question or inquiry addressed to him as may be required under or for the purposes of any provision of this Act or whoever acts in contravention or fails to comply with any provision of this Act or any rules made thereunder or any requirement imposed under this Act, shall be liable

to penalty which may extend to one thousand rupees, and in the case of a company, with a penalty which may extend to one lakh rupees.

(2) The imposition of penalty on a person or company shall not relieve him or it of the obligations under sub-section (1), and if after the expiry of fourteen days from the date of imposition of penalty, he or it still fails to give the required particulars or continues to neglect or refuse or contravene any provision of this Act or any rules made thereunder or any requirement imposed under this Act, shall be liable to a further penalty which may extend to one thousand rupees, and in the case of a company, to a further penalty which may extend to five thousand rupees, for each day after the first during which the neglect, refusal or contravention continues.

15A. Adjudicating officer.— (1) The appropriate Government may, for the purposes of determining the penalties under section 15, appoint an officer as it may deem fit, to be adjudicating officer to hold an inquiry and impose penalty in the manner, as may be prescribed:

Provided that the appropriate Government may appoint as many adjudicating officers as may be required.

(2) The adjudicating officer may summon and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any document, which in the opinion of the adjudicating officer, may be useful for, or relevant to, the subject-matter of the inquiry and if, on such inquiry, he is satisfied that the person concerned has failed to comply with the provisions of this Act, he may impose penalty:

Provided that no such penalty shall be imposed without giving the parties concerned a reasonable opportunity of being heard.

15B. Appeal.— (1) Whoever aggrieved by the order passed by the adjudicating officer under this Act, may prefer an appeal to the appellate authority, above the rank of the adjudicating officer, authorised by the appropriate Government, within thirty days from the date of receipt of order in such form and manner as may be prescribed.

(2) An appeal may be admitted after the expiry of the period of thirty days if the appellant satisfies the appellate authority that he had sufficient cause for not preferring the appeal within that period.

(3) The appellate authority may, after giving the parties to the appeal an opportunity of being heard, pass such order as he may think fit.

(4) The appellate authority referred to in sub-section (1) shall dispose of the appeal within sixty days from the date of filing the appeal.

15C. Recovery.— Notwithstanding anything contained in this Act, if penalty imposed under this Act, is not deposited, the amount shall be recovered as an arrear of land revenue.

COMMENTS

2.35 Chapter IV of the COS Act, 2008 comprising sections 15 to 26 has been replaced by a fresh Chapter IV comprising sections 15, 15A, 15B and 15C. Corresponding provisions have also been given in the COS Rules, 2024, in view of the enabling provisions to do so given under sections 15A (1) and 15B (1). The implications of the changes brought in in Chapter IV of the Act and the rules are discussed in detail in Chapter – 4. The terms, "adjudicating officer" and "appellate authority" should have been defined in section 2 of this Act. However, going by the plain language of sections 15A and 15B, an important point to be noted is that an adjudicating officer and an appellate authority may or may not be Government officers (like a statistics officer).

CHAPTER V

POWER IN RESPECT OF CORE STATISTICS

27. Powers in respect of core statistics. – Without prejudice to the provisions contained in this Act, the Central Government may, by notification in the Official Gazette, declare from time to time any subject for the collection of statistics of national importance as 'core statistics' and make such arrangement, as it may consider necessary, for regulating the collection and dissemination of statistics on the subject so declared.

COMMENTS

***2.36** The Rangarajan Commission recommended identification and regulation of core statistics. Section 27 of the Act delegates power to the Central Government to declare from time to time any subject for the collection of statistics of national importance as 'core statistics' and make such arrangement, as it may consider necessary, for regulating the collection and dissemination of statistics on the subject so declared. This will facilitate ensuring quality and timeliness for important statistics. But so far, this provision has not been invoked by the Central Government.*

CHAPTER VI

MISCELLANEOUS

28. Power to give directions. - The Central Government may give directions to any State Government or Union territory Administration or to any local government that is to say Panchayats or Municipalities, as to the carrying into execution of this Act in the State or Union territory or Panchayats or Municipalities, as the case may be.

COMMENTS

2.37 ***Section 28 of the Act provides for delegation of power to the Central Government to give directions to any State Government or Union territory Administration or to any local government, as to the carrying into execution of this Act. These directions may also relate to avoiding duplication, establishing better coordination and collection of core statistics.***

29. Public servants. - Any statistics officer and any person authorised for the collection of statistics or preparation of official statistics under the provisions of this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860 (45 of 1860).

COMMENTS

2.38 ***Section 29 of this Act lays down that any statistics officer and any person authorised for the collection of statistics or preparation of official statistics under the provisions of this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860. Since the Bharatiya Nyaya Sanhita repealed the Indian Penal Code, 1860 and Section 2 (28) of the Sanhita corresponds to the definition of "public servant", section 29 of this Act requires a formal amendment. Secondly, as the Act provides for appointing adjudicating officers under section 15A and appellate authority under section 15B, they should also have been covered within the ambit of "public servant". This seems to be a glaring omission, requiring amendment.***

30. Bar of jurisdiction. - No civil court shall have jurisdiction to entertain any suit or proceeding in respect of any matter which the appropriate Government or the statistics officer or the agency is empowered by or under this Act to determine, and no injunction shall be granted by any court or

other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

COMMENTS

2.39 For trying all kinds of offences (civil or criminal), a Civil Court will have an inherent jurisdiction to adjudicate and issue injunctions, as may be appropriate. Section 30 of the Act bars the jurisdiction of civil courts to entertain any suit or proceeding in respect of any matter which the appropriate Government/ statistics officer / agency is empowered to determine. It also provided that no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under the Act. The matters to be determined by adjudicating officers and appellate authorities should also have been exempted from the jurisdiction of civil courts. This provision may be added through amendment. Otherwise, if such matters are challenged in courts, the very purpose of keeping the courts away would be defeated or frustrated.

31. Protection of action taken in good faith. - No suit or other legal proceedings shall lie against the appropriate Government or agency or any statistics officer or other officers or employees in respect of anything which is in good faith done or intended to be done in pursuance of this Act or the rules or directions issued there under.

COMMENTS

2.40 Section 31 provides protection in respect of actions taken in good faith. Under section 3 (22) of the General Clauses Act, 1897, a thing shall be deemed to be done in "good faith" where it is in fact done honestly, whether it is done negligently or not. No suit or other legal proceedings shall lie against the appropriate Government or agency or any statistics

officer or other officers or employees in respect of anything which is in good faith done or intended to be done in pursuance of this Act or the rules or directions issued there under.

2.41 *Adjudicating officers and appellate authorities also should have been expressly covered under this protection. However, they seem to have been covered under the category of "other officers".*

32. Overriding effect. - The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force except in relation to the conduct of human population census as per the directions, if any, issued under the Census Act, 1948 (37 of 1948).

COMMENTS

2.42 *Section 32 of the Act provides for overriding effect on other laws except when a human population census is conducted under the Census Act, 1948. The non-obstante clause in section 32, namely, "notwithstanding anything inconsistent therewith contained in any other law for the time being in force", indicates this. The overriding effect is illustrated through the following examples:*

(i) Some of the offences under this Act are also found in the earlier Indian Penal Code, 1860 (IPC), which is the present Bharatiya Nyaya Sanhita. Examples are neglect or refusal to furnish information sought or to answer any question asked. Only one law would apply to any offence relating to collection of statistics, as double jeopardy is not legally permissible. IPC or Bharatiya Nyaya Sanhita is a general law on criminal offences and penalties. The COS Act, being a special law on collection of statistics, would override the provisions of the IPC or Bharatiya Nyaya Sanhita in respect of the offences and

penalties common to both. This is a well settled legal interpretation. For example, theft is an offence under the IPC or Bharatiya Nyaya Sanhita. But in case of theft of electricity, Electricity Act only would apply as it is a special law on the subject. However, the contraventions under the COS Act are not treated as criminal offences as the provisions under sections 15, 15A, 15B and 15C indicate. Hence, there is no provision in the COS Act which overrides those in the Bharatiya Nyaya Sanhita. However, this aspect has been discussed in more detail in Chapter – 4.

(ii) Under the Right to Information (RTI) Act, 2005, the Government is required to furnish information to citizens, whereas it will obtain information from the informants as per the COS Act, 2008. With regard to furnishing statistical information collected under this Act by the Government, it would only be governed by the provisions of the COS Act, 2008, especially in cases of repugnancy between the Act and the RTI Act, in view of Section 32 of the COS Act. The reason for this is that the COS Act, 2008 being a special law overrides the general law, namely, the RTI Act. The exemptions from disclosure of information provided under section 8 of the RTI Act include disclosure of information which would harm the competitive position of a third party due to the involvement of commercial confidence, trade secrets or intellectual property in that process and disclosure of personal information. These provisions are consistent with the provisions under the COS Act. When data is collected by Government under the COS Act, each data element contains along with other characteristics a string of personal information. Even when the RTI Act permits disclosure of each data element fully, the COS Act permits only the disclosure of other characteristics. The part of the data element which enables identification of the informant has to be masked before doing so, as laid down in the COS Act. Hence, the provisions of the COS Act, 2008 are consistent with those under the RTI Act, except on

disclosing the identity of the informant. This restriction is important to give confidence to the informants that the information collected from them would not be used for purposes other than for statistical purposes.

33. Power to make rules. - (1) The Central Government may, [9]subject to the condition of previous publication, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, the Central Government may make rules under this section for all or any of the following matters, namely:—

(*a*) principles for coordinating as effectively as possible to achieve the objectives of section 3 including nomination and registration of statistics officers by the Central Government and also to avoid unnecessary duplication in the collection of statistics;

[10](aa) the coordination and supervision of statistical activities by the nodal officer and the powers and duties of the nodal officer under sub-section (2) of section 3A;

(b) the terms, conditions and safeguards under which any person or agency or company or organization or association may be engaged by the appropriate Government for the purpose of collection of statistics under sub-section (3) of section 4;

(*c*) principles for prescribing the form and manner in which the information may be required to be furnished;

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[9] Inserted by Act 21 of 2017 [the Collection of Statistics (Amendment) Act, 2017], s. 6 (i) (w.e.f. 3-10-2017). The words "subject to the condition of previous publication" were inserted through the amendment.

[10] Inserted vide Act 21 of 2017, s. 6 (ii) (A) (w.e.f. 3-10-2017). Clause (aa) was inserted through this amendment.

(*d*) principles for prescribing the manner in which the right of access to documents and the right of entry conferred by section 8 may be exercised;

[11](da) the manner of use of information under sub-section (1) of section 9;

[12](db) the manner of holding inquiry and imposing penalty under sub-section (1) of section 15A;

[13](dc) the form and manner of preferring appeal under sub-section (1) of section 15B; and

(*e*) any other matter which is to be or may be prescribed under this Act.

(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

COMMENTS

2.43 Section 33 of the Act provides for rule making power by the Central Government and for laying of the notification (s) on rules before each House

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[11] Inserted vide Act 21 of 2017, s. 6 (ii) (B) (w.e.f. 3-10-2017). Clause (da) was inserted through this amendment.

[12] Inserted by Act 18 of 2023 [the Jan Vishwas (Amendment of Provisions) Act, 2023], s. 2 and Schedule (w.e.f. 10-12-2024). Clause (db) was inserted through this amendment.

[13] Inserted by Act 18 of 2023, s. 2 and Schedule (w.e.f. 10-12-2024). Clause (dc) was inserted through this amendment.

of the Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions. It also provides that if, before the expiry of the session immediately following the session or the successive sessions, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be. However, any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

2.44 *Besides section 33 of the Act, there are references to rule making in other parts of the Act, through the use of the word 'prescribed', which means prescribed by rules made under the Act as per section 2 (e). Such references are in sections 3A, 4, 6, 9, 15A, and 15B. In exercise of the powers conferred under section 33 of the Act, the Collection of Statistics Rules, 2011 have been notified on 16th May 2011. The Notification was tabled in the Lok Sabha on 04-08-2011 and in the Rajya Sabha on 05-08-2011. Subsequently, the Collection of Statistics Rules, 2024 were notified on 11th December 2024 which repealed the Collection of Statistics Rules, 2011. This Notification was tabled in the Lok Sabha on 10th February 2025 and in the Rajya Sabha on 10th March 2025.*

2.45 *Section 33 of the Act specifically provides for rulemaking in respect of: (1) principles for coordinating to achieve the objectives of section 3 including nomination and registration of statistics officers and to avoid unnecessary duplication in the collection of statistics; (2) nodal officers' powers and functions, (3) the terms, conditions and safeguards for outsourcing collection of statistics; (4) principles for prescribing the form and manner in which the information may be required to be furnished; (5) principles for prescribing the manner in which the right of access to documents and the right of entry conferred by section 8 may be exercised; (6) the manner of using information under section 9 (1); (7) the manner of*

holding inquiries and imposing penalties; and (8) the form and manner of preferring appeals.

34. Repeal and savings. - (1) The Collection of Statistics Act, 1953 (32 of 1953) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Act shall be deemed to have been done or taken under the corresponding provisions of this Act.

(3) All rules made under the said Act shall continue to be in force and operate till new rules are made under this Act.

COMMENTS

2.46 *Section 34 of the Act provides for repealing the COS Act, 1953 with an overriding provision (through non-obstante clause, namely, 'not withstanding') that despite such repeal, anything done or any action taken under the 1953 Act shall be deemed to have been done or taken under the corresponding provisions of the 2008 Act. It also provides that all rules made under the 1953 Act shall continue to be in force and operate till new rules are made under the 2008 Act, i.e. till 16th May 2011 when COS Rules, 2011 under the 2008 Act were notified. Similarly, the COS Rules, 2011 were in force till the COS Rules, 2024 were notified.*

Chapter – 3

Rules made under the COS Act, 2008

***

3.1 **Rules fall under the category of "subordinate legislation" to be formulated by the executive, i.e., the Government, under the powers delegated by the legislature in an enabling statute. The delegated authority must operate within the framework and intent of the main legislation. The enabling provisions in a statute for rulemaking can be identified from the word "rules" or "rule" or "prescribed" used in the various provisions of the statute. Unless the context suggests otherwise, such provisions indicate that rules can be framed in respect of those aspects.**

3.2 **The Central Government may, subject to the condition of previous publication by notification in the Official Gazette, make rules for carrying out the provisions of the COS Act, 2008 as per section 33 (1) of the Act. Section 33 (2) of the Act specifically provided for certain aspects on which rules may be framed and they include the provisions in which the word "rules" or "rule" or "prescribed" is used in the Act. The aspects mentioned in section 33 (2) of the Act for rule making and the rules made in respect of each aspect in the 2024 rules are indicated below:**

(1) Principles for coordinating to achieve the objectives of section 3 including nomination and registration of statistics officers by the Central Government and also to avoid unnecessary duplication in the collection of statistics – rules 4, 5, 7 and 8.

(2) Coordination and supervision of statistical activities by the nodal officer and the powers and duties of the nodal officer under sub-section (2) of section 3A – rules 3, 4, 5 and 10.

(3) Terms, conditions and safeguards under which any person or agency or company or organisation or association may be engaged by the appropriate Government for the purpose of collection of statistics under sub-section (3) of section 4 – rule 12 and Forms I and II.

(4) Principles for prescribing the form and the manner, in which the information may be required to be furnished – rules 6 and 11.

(5) Principles for prescribing the manner in which the right of access to documents and the right of entry conferred by section 8 may be exercised – rule 14

(6) Manner of using information as per sub-section (1) of section 9 – rules 13 and 16.

(7) The manner of holding inquiry and imposing penalty under sub-section (1) of section 15A – rules 15, 15A, 15AA, 15B.

(8) the form and manner of preferring appeals under sub-section (1) of section 15B – rules 15B and Form-III.

3.3 In exercise of the powers conferred under section 33 of the COS Act, 2008, the Collection of Statistics Rules, 2011 have been notified by the MOSPI on 16th May 2011. A corrigendum to the rules was notified on 8th September 2011. The two Notifications on the rules are given at pages B-16 to B-27 of Appendix-B. Subsequently, after amending the COS Act, 2008 for the third time, the MOSPI

notified the Collection of Statistics Rules, 2024 on 11th December 2024. This Notification can be seen at pages B-58 to B-80 of Appendix-B.

3.4 The COS Rules, 2024 *inter alia* deal with the following aspects, namely, –

- the appointment / designation of nodal officers, statistics officers, adjudicating officers, and appellate authorities and their role and functions;
- the manner of promoting statistical coordination among Government Departments to avoid unnecessary duplication of data collection, accommodating the requirements of other Departments in data collection programs and sharing the information collected with them;
- prescribing information schedules in such a way that they meet the requirements of as many Departments as possible and at the same time reducing the informants' burden;
- duties of informants in furnishing information, in providing access to relevant documents and entry into their premises;
- protecting personal information and safeguards to be observed while outsourcing data collection;
- the manner of dealing with contraventions of the provisions of the Act; and
- records management.

3.5 The COS Rules, 2024 repealed the COS Rules, 2011. Nevertheless, there are many common features between the two sets of rules. While, delving into the details of those features, we will also look into the changes that have been brought in, in the new set of rules. We will also see what we have gained or lost in the process. To facilitate better comparison between the two sets of

rules, the 2011 rules which are continued in the 2024 rules are indicated in "------" colour, the changes made by way of additions to the 2011 rules to get 2024 rules are indicated in "----" colour, and the comments are shown in "----" colour. The portion shown in red colour parentheses shall be read as deleted in the new set of rules. With this understanding, we can now read both the sets of rules together in the following paragraphs.

Government of India
Ministry of Statistics and Programme Implementation
New Delhi, [the 16th May, 2011] the 10th December, 2024

Notification

G.S.R. [387 (E)] 761 (E). – In exercise of the powers conferred by section 33 of the Collection of Statistics Act, 2008 (7 of 2009), and in supersession of the Collection of Statistics Rules, 2011, except as respects things done or omitted to be done before such supersession, the Central Government hereby makes the following rules, namely:-

1. Short title and commencement: (1) These rules may be called the Collection of Statistics Rules, [2011] 2024.

(2) They shall come into force on the date of their publication in the Official Gazette.

Comments

3.6 Rule 1 of the rules laid down the details of short title and commencement. In case of the 2011 Rules, the short title is 'the

Collection of Statistics Rules, 2011' and in case of the 2024 Rules, the short title is 'the Collection of Statistics Rules, 2024'. The commencement of the rules is on the date of their publication in the Official Gazette, i.e. 16th May 2011 in case of the 2011 Rules and 11th December 2024 in case of the 2024 Rules. There are 16 rules and 2 forms in the 2011 rules. In the 2024 rules, there are 17 rules and 3 forms, namely, Form-I, Form-II, and Form-III, appended to the rules.

2. Definitions: (1) In these rules, unless the context otherwise requires –

(a) 'Act' means the Collection of Statistics Act, 2008;
(b) "adjudicating officer" means the officer appointed under section 15A of the Act;
(c) "appellate authority" means the officer authorised by appropriate Government under section 15B of the Act;
(d) "arrear of land revenue" means the amount due and recoverable as penalty in terms of the section 15 of the Act and recoverable in accordance with the Revenue Recovery Act, 1890 (1 of 1890);

Comments

3.7 It would have been more appropriate, had the three additional definitions, namely, adjudicating officer, appellate authority, and arrear of land revenue, been given in the principal Act itself. The Revenue Recovery Act, 1890 referred in the definition of "arrear of land revenue" can be seen at pages B-83 to B-87 of Appendix-B.

(e) "Form" means a form appended to these rules;
(f) 'nodal officer' means an officer designated as nodal officer under rule 3 of these rules;

(g) "personal information" means any information, whether true or not, and whether recorded in a material form or not, about an informant whose identity can reasonably be ascertained from such information;

(h) "reference period" means the time period over which the data collected reflects the characteristics of the units of enumeration;

(i) "State Government", in relation to a Union territory, means the Administration thereof; and

(j) "outsourcing" means making use of the services of a private service provider for the purposes of these rules.

(2) Words and expressions used but not defined herein shall have the meanings respectively assigned to them in the Act.

Comments

3.8 Rule 2 (2), in a general way, laid down that words and expressions used but not defined in the rules shall have the meanings respectively assigned to them in the Act, i.e. the COS Act, 2008. The ten expressions, namely, - agency, appropriate Government, informant, information schedule, nodal officer, prescribed, sampling, statistical survey, statistics, statistics officer - defined in the Act shall be deemed to have been defined in the same way in the 2024 rules as well. In addition, specific definitions are provided under rule 2 (1). The 2011 Rules provided for seven such definitions which are repeated in the 2024 Rules. The 2024 Rules provided for three more definitions, namely, adjudicating officer, appellate authority, and arrear of land revenue, thus making the total to ten. Thus, in all, twenty definitions shall be used in the 2024 rules. The details of rules in which the ten specific definitions (given in the rules) were used are given in the following table:

S. No.	Expression defined	Used in the COS Rules, 2011	Used in the COS Rules, 2024
1	Act	All rules except in rules 1, 3, 8 and 13	All rules except in rules 1, 3 and 13
2	Form	Rules 2, 7 (2), 8, 9 (iii) and 12 (e). There are two Forms, Form-I and Form-II.	Rules 2, 7 (2), 8, 9 (iii), 12 (e), and 15B (2). There are three Forms, Form-I, Form-II, and Form-III.
3	nodal officer	Rules 2, 3, 4, 5 and 6	Rules 2, 3, 4, 5 and 6
4	personal information	Rules 2, 12 (e), 13 and Form-I	Rules 2, 12 (e), 13 and Form-I
5	reference period	Rules 2, 5 and 9 (x)	Rules 2, 5 and 9 (x)
6	State Government	Rules 2, 3 (2), 4 (2), 5 (1) and 10	Rules 2, 3 (2), 4 (2), 5 (2) and 10 (Rule 5 (2) of these Rules are the same as rule 5 (1) of the 2011 Rules.)
7	outsourcing	Rules 2 and 12	Rules 2 and 12
8	adjudicating officer	Nil	Rules 2, 4 (1), 5 (5), 7, 8, 9 (xx), 15, 15A, 15AA, and 15B and in the three Forms, Form-I to Form-III
9	appellate authority	Nil	rules 2, 4, 7, 9 (xx), 15A (8), and 15B and in the three Forms, Form-I to Form-III
10	arrear of land revenue	Nil	Rule 2, 9 (xxi), and 15A (8)

3. Nodal officer. – (1) The Central Government shall designate an officer not below the rank of a Joint Secretary to the Government of India in a nodal Department dealing with statistical matters, as the nodal officer for exercising powers and performing duties under these rules.

(2) Every State Government shall designate an officer not below the rank of a Deputy Secretary to the State Government in a nodal Department dealing with statistical matters, as the nodal officer for exercising powers and performing duties under these rules.

Comments

3.9 ***Rule 3 is the same in both the sets of Rules. It provides for designating nodal officers. The Central Government shall designate an officer not below the rank of a Joint Secretary to the Government of India in their nodal statistical Department, as the nodal officer. Every State Government/ Union territory Administration shall designate an officer not below the rank of a Deputy Secretary in the nodal statistical Department of their setup, as the nodal officer.***

3.10 ***In accordance with the provisions contained in the Government of India (Allocation of Business) Rules, 1961, the Ministry of Statistics and Programme Implementation (MOSPI) is the nodal Ministry at the Centre on statistical matters. The Notification issued by the Centre (MOSPI) under the 2011 Rules on designation of nodal officer along with the format prescribed for his submitting annual reports is given at pages B-57 to B-61 of Appendix-B. The Notification issued by the Centre under the 2024 Rules on designation of nodal officer is given at pages B-103 to B-104 of Appendix-B. It is to be noted that in the latter notification, the requirement of submitting annual reports by nodal officer has been omitted. Nevertheless, the obligation to submit annual reports by the nodal officers remains intact, of course without a prescribed format, in view of clause (e) of sub-rules (1) and (2) of rule 4.***

4. Powers and duties of nodal officer. – (1) The nodal officer designated by the Central Government under sub-rule (1) of rule 3

shall perform the duties as per section 3A of the Act including coordination and supervision of statistical activities in the following manner, namely: –

(a) maintain and update register of statistics officers, adjudicating officers and appellate authority appointed by the Central Government;

(b) obtain and maintain, from time to time, information on the availability of statistics including unit-level data, whether collected under the provisions of the Act or not, with different Departments of the Central Government and nodal officers in the States;

(c) advise the Departments of the Central Government and the nodal officers in the States on steps to improve the statistical potential of administrative records to avoid conducting separate statistical surveys to collect statistics contained or purported to be contained in such administrative records;

(d) issue instructions from time to time on promoting the sharing of statistical information including unit-level data among different Departments of the Central Government and States to avoid unnecessary duplication of programmes of collection of statistics and resolve disputes or differences of opinion, if any, among them on the issue;

(e) submit annual report to the Central Government on the working of the Act; and

(f) for the purpose under clause (e) of sub-rule (1) of rule 4, nodal officer may call for any information as he deems fit, including the number of cases adjudicated and penalty imposed by the appropriate Government.

(2) The nodal officer designated by the State Government under sub-rule (2) of rule 3 shall –

(a) maintain and update a register of statistics officers, adjudicating officers and appellate authority appointed from time to time in the State;

(b) obtain and maintain from time to time information on availability of statistics including unit-level data, whether collected under the provisions of the Act or not, with different Government Departments and local governments in the State;

(c) advise the Departments of the State Government and local governments in the State on steps to improve the statistical potential of administrative records to avoid conducting separate statistical surveys to collect statistics contained or purported to be contained in such administrative records;

(d) issue instructions from time to time on promoting the sharing of statistical information including unit-level data among Departments of the State Government and local governments in the State to avoid unnecessary duplication of programmes of collection of statistics and resolve disputes or differences of opinion, if any, among them on the issue; [and]

(e) obtain reports, as may be required, on the working of this Act from Government Departments and local governments in the State and submit annual [reports] report on the working of the Act in the State to the nodal officer appointed by the Central Government; and

(f) for the purpose under clause (e) of sub-rule (2) of rule 4, nodal officer may call for any information as he deems fit, including the number of cases adjudicated and penalty imposed by the appropriate Government.

Comments

3.11 *Rule 4 of the rules provide for powers and duties of nodal officer at the Centre and in the States / UTs. His functions include maintaining a register of officers appointed under the Act (Form-II is prescribed for the purpose), maintaining information on availability of statistics including unit-level data (whether collected under the provisions of the Act or not) with other Departments (suggested format is given below), advising them on steps to improve the statistical potential of administrative records to avoid conducting separate statistical surveys to collect such statistics, issuing instructions on promoting the sharing of statistical information including unit-level data among different Departments to avoid unnecessary duplication of programmes of collection of statistics and resolving disputes or differences of opinion, if any, among them.*

Suggested format for obtaining information on availability of statistics including unit-level data under rule 4:

Nature of product	Details of informants	Characteristics covered	Format in which available	Manner in which accessible
____ (census)				
__ (sample survey				
__ (short term indicators)				
_____ (administrative statistics)				
Others				

Note: This information may be obtained electronically or online.

3.12 *Thus, nodal officers are entrusted with the responsibility of coordination and supervision of statistical activities in a limited context detailed in rule 4. A nodal officer (at the Centre or at State*

level) has to maintain metadata (data about data) of all data sets (at unit level) available in the Government.

3.13 *The nodal officer also advises on steps to be taken to enhance the statistical potential of administrative statistics. If administrative statistics are tabulated after exercising appropriate quality checks, it would be enormously useful. In most cases at present, administrative statistics such as registration data are used to prepare statistical frames for conducting surveys. For example, list of factories registered under the Factories Act is used as a statistical frame in the Annual Survey of Industries by the MOSPI. The data on balance sheets and profit & loss accounts submitted by companies registered under the Companies Act are used to compile aggregates by tabulation at different levels / classifications and these aggregates are used in compilation of national accounts for the corporate sector by the MOSPI. Each Department may prepare a tabulation plan for compiling information at appropriate disaggregate level and release the compiled information with analysis from time to time, as suggested by the concerned nodal officer. As there is still lot of scope in this field at the Centre and in the States, the concerned nodal officers are expected to play a pivotal role in guiding Departments in exploiting the statistical potential of administrative statistics.*

3.14 *There are many overlapping functions among Government Departments. If they share data among themselves, their efficiency will increase and, in the process, they may get introduced to many new ideas and innovations. If they don't share data, they may launch a data collection program out of ignorance without knowing that the required data is already available in one of the sister Departments. Thus, the role of a nodal officer in promoting sharing*

of information is an important step in avoiding unnecessary duplication of collection of statistics.

3.15 *Avoiding unnecessary duplication of collection of statistics and facilitating the sharing of statistics produced with other offices are among the very important nodal statistical functions to be performed by the MOSPI at the Centre and the State / UT Directorates of Economics & Statistics (DESs) at State level. The scheme of things contemplated under the COS Act, 2008 and the rules made thereunder provide for both these functions to be exercised through nodal officers at the Central and State level. The reports of the nodal officers covering inter alia both these aspects throws lot of light on the status from time to time on exercising the nodal role.*

3.16 *Looking at the role of a nodal officer, one can easily visualize that he is the backbone of the entire data collection mechanism in the Government who saves the Government from wastage of crores of rupees of its resources. His contribution every year and his future plan of action, if any, would be known to the public and the Government only through his annual reports. Non-submission of annual reports by a nodal officer is tantamount to lack of accountability on his part. The 2011 rules were notified on 16th May 2011 and since then, reports for the last 14 years, i.e. 2011-12 to 2024-25 could have been submitted by the concerned nodal officers. Unfortunately, the MOSPI website indicates submission of only one report, i.e. the report for the year 2011-12. A format has been prescribed for submission of annual report by the nodal officer vide MOSPI Notification dated 14th September 2018. Despite this prescription, the nodal officer seems to have not submitted annual reports. Even if he has submitted, the reports are not in the public domain.*

3.17 ***Vide Notification dated 4th December 2024, the nodal officer has been designated afresh under the new set of rules (2024 rules). In this notification, as already stated, the format for submission of annual reports has been omitted. Despite this omission, although there is a statutory obligation to submit annual reports under this rule, the practice seems to have not been restored so far. The MOSPI being the nodal Ministry on statistical matters cannot effectively exercise its role without ensuring its nodal officer performing his statutory functions. A suggested model format in which a nodal Officer may submit his annual report is given at the Annexure appended to this chapter. Needless to emphasize, by not submitting annual reports, a nodal officer becomes a contravener and the penalties prescribed under section 15 of the Act would be attracted.***

5. Direction on collection of statistics.- (1) Any Department of the Central Government shall, before making a direction under section 3 of the Act for collection of statistics on any subject for any reference period in any geographical unit under its jurisdiction, consult the nodal officer of the Central Government to avoid unnecessary duplication in collection of statistics.

(2) Any Department in a State Government or any local government in a State shall, before making a direction under section 3 of the Act for collection of statistics on any subject for any reference period in any geographical unit under its jurisdiction, consult the nodal officer in the State to avoid unnecessary duplication in collection of statistics.

(3) The nodal officer shall, on receipt of any request under sub-rule (1) or sub-rule (2), as the case may be, within a period of one month render such advice as may be necessary [to the concerned office] to avoid [unnecessary] duplication in collection of statistics.

(4) The appropriate Government on receipt of advice under sub-rule (3) shall communicate to the nodal officer, the reasons in all cases of disagreement with such advice, at least fifteen days prior to issuing notification under section 3 of the Act.

(5) Every notification under section 3 of the Act shall contain the following particulars, namely: -

(a) subject and purpose for collection of statistics;
(b) geographical area for the collection of statistics;
(c) method of data collection;
(d) nature of informants from whom data may be collected;
(e) the period during which the collection of statistics may be completed;
(f) reference period;
(g) nature of the information to be collected;
(h) language in which information is to be furnished by the informant;
(i) obligation of informant;
(j) nature of business records and other records which may be inspected; [and]
(k) the manner of inspection; and
(l) details of statistics officers, adjudicating officers and appellate authorities, as provided in rule 7.

(6) A copy of every notification referred in sub-rule (5) shall be forwarded to the nodal officer of the Central Government and the nodal officer of the State concerned.

(7) Appropriate Government may like to place such notifications in public domain.

Comments

3.18 *Rule 5 provides for a consultation process by Departments with the concerned nodal officer to seek his advice on avoiding unnecessary duplication. The nodal officer shall render advice within one month. Here the role of a nodal officer is like leading a horse to water. It is for the horse to decide whether or not to drink water. Nodal officer's advice to any Department is purely recommendatory and persuasive in nature and the concerned Department will have a final say in the matter. The Department may or may not agree with the advice. However, the Department has to furnish reasons for disagreement within 15 days. Thereafter, the Department may go ahead with issuing notification under section 3 of the Act. Sub-rule (5) of rule 5 provides a check list for preparing the notification to be issued under section 3 of the Act and sub-rule (6) makes it obligatory to endorse a copy of it to the nodal officer. It is expected that every nodal officer, in his annual reports, reports the number of cases that came up before him for consultation, the number of cases where his advice was accepted and the number of cases where his advice was rejected along with reasons thereof. Rejection of nodal officer's advice and going ahead with data collection will have financial implications for the concerned Department, and hence, such details have to be placed for scrutiny by the Government and the public at large.*

3.19 *Under rule 5 (3), the phrase "to avoid unnecessary duplication" given in the COS Rules, 2011 has been rectified as "to avoid duplication" in the COS Rules, 2024. This seems to be a wrong omission. Some people may feel that usage of the expression "unnecessary duplication" is unnecessary and that one may simply use only "duplication". But, in statistical surveys, there is a necessary duplication for a variety of reasons, which should be*

permissible. For example, if one Department plans to conduct a household consumer expenditure survey and another Department plans to conduct a survey on housing conditions, they may separately contemplate listing of households in the selected areas and for that purpose collect some preliminary information to help selecting a proper sample of households. This part of the survey is a necessary duplication without which further survey cannot be done. Similarly, in repetitive surveys, data would be collected on same characteristics periodically from the same set of informants. Examples are price collection surveys and surveys on industrial production, the data of which are used to compile indices. Another example could be a periodical employment – unemployment survey. Such duplications would be necessary, and the law has to permit them appropriately.

6. Principles for prescribing information schedules. - In respect of prescribing any information schedule in any form, for the collection of statistics on any subject, the appropriate Government [or a statistics officer,] as the case may be, shall satisfy itself that –

(i) it has the authority to direct collection of statistics on the subject under the Act subject to the restrictions given in the proviso to section 3 of the Act;

(ii) it has, for the purpose of finalising items on which information is to be collected, consulted the nodal officer to include the requirements of other Government Departments;

(iii) excessive demands would not be placed on the informants by making the direction and for the purpose field testing of information schedules has been carried out where necessary;

(iv) the range and detail in the information schedules specified for collection of statistics on any subject shall be limited to what is absolutely necessary;

(v) the reporting burden shall be spread as widely as possible over informant populations through appropriate sampling;

(vi) the information sought from business shall, as far as possible, be readily available from their accounts and electronic means are used where possible to facilitate their collection;

(vii) best estimates and approximations on any item of information sought shall be accepted when exact details are not readily available with any informant;

(viii) each information schedule used for collecting statistics from any informant has, where necessary, a provision for particulars on which information may be furnished at the discretion of the informant;

(ix) provision is made in each information schedule for filling up the details and appending the signature of the person concerned who would be engaged in the collection of statistics;

(x) indicate in each information schedule, for general information of informants prior to collection of statistics from them under the Act, its plan, if any, to disclose any information collected from them which in the opinion of the appropriate Government is otherwise available to the public under any other Act or as a public document or which is in the form of an index or list of the names and addresses of informants together with the classification, if any, allotted to them and the number of persons engaged; and

(xi) make a provision in each information schedule to obtain written consent from each informant whose information

other than the information covered in clause (x), it proposes to disclose.

Comments

3.20 ***Rule 6 lays down the principles for prescribing information schedules, which will be used in collection of statistics under the Act. The duty of prescribing information schedules may be carried out by the appropriate Government or by a statistics officer, who has been delegated the power to do so under section 4 (6) of the Act. The omission of the words "or a statistics officer" in the 2024 Rules, while continuing with the words "as the case may be" in the opening paragraph of rule 6 seems to be a glaring omission. Without the words "or a statistics officer", the words "as the case may be" in the opening paragraph would be redundant. The MOSPI may consider amending the rules appropriately to insert the words "or a statistics officer" in the 2024 Rules.***

3.21 ***The officer carrying out this duty, in his capacity as statistics officer or as an officer in the appropriate Government assigned / delegated to perform this duty, shall satisfy himself on the aspects mentioned in clauses (i) to (xi) of rule 6. These aspects will ensure adherence to well-established international best practices in formulating information schedules.***

3.22 ***What is known as information schedule in the Act is popularly referred to as a schedule of inquiry or a questionnaire in statistical surveys, which is to be formulated in accordance with the direction on collection of statistics issued under the Act. The information to be collected shall be provided for in the information schedule and its scope shall be within the ambit of the direction.***

3.23 *There could be occasions where different Government offices may launch data collection programs, in which some information proposed to be collected could be common. If each one does it without knowing what others are going to do, there would be unnecessary duplication and wastage of resources. Hence, it would be necessary to consult the nodal officer and other departments to include the requirements of other departments. After completing data collection, the relevant information collected for others could be shared with them. On the other hand, if a Department comes to know through the consultation process that the information planned to be collected by it is already available with one of the other Departments, then they may obtain it without launching a fresh data collection program. This process, at times, saves lot of resources.*

3.24 *Sometimes, planners show lot of enthusiasm to include as many items as possible in the information schedule. There were situations where most of the information collected was not tabulated. There were also situations where the entire information collected was not at all tabulated. The range and detail in the information schedules shall be limited to what is absolutely necessary. In case there is no plan to tabulate whole or part of the data collected, that part not likely to be tabulated should not be collected at all. This means that once data is collected, it should be tabulated without fail to obtain information from it. In case of collection of statistics from business enterprises, the scope of data collection should be limited to what has been prescribed under the law. In other words, it should not go beyond the Books of Accounts. Asking imaginary questions, such as what will you do with the net profit gained? or what you could have done had you not taken up with this business? are not desirable to be asked under the Act. Even if required, they may be kept under the category of questions which an informant may answer only at his discretion (not mandatorily).*

3.25 *Where there is scope for collecting information through electronic means, one should not insist for data collection through paper schedules. Section 4 of the Information Technology Act, 2000 provides for submission of statutorily prescribed information in an electronic form as a deemed compliance of the statutory requirement. Clause (vi) of rule 6 of the COS Rules enables similar facility.*

3.26 *In households, unlike businesses, often, information is neither maintained nor prescribed to be maintained. Enterprises in the unorganised sector also do not maintain accounts. Hence, in household surveys and unorganised sector surveys, the concerned informants have to answer questions / queries out of their memory. Best estimates and approximations on any item of information in such cases shall be accepted. Reference period for those surveys should be selected in such a way that informants could answer questions / furnish information sought without much recall lapse.*

3.27 *Before launching data collection programs, field testing of information schedules is necessary for a variety of reasons. Pilot surveys in statistical literature are popular for this purpose. It would be known through this process whether canvassing the schedule would be tantamount to placing excessive demands on informants. Sometimes, if lengthy formats are prescribed for data collection, households may not spare so much time to answer all questions / queries. At times, it may be desirable to select more households in the survey, to distribute different sets of questions / queries to be asked at each set of households. Going by the same logic, it would be desirable to go for a sample survey instead of conducting a census, if the purpose would be better served. The National Sample Survey Office in one of its sample surveys selected two separate sets of households in each selected village / urban block, one set for*

collecting data on unemployment and the other for collecting data on household expenditure. This practice falls within the same logic. In all kinds of statistical surveys, pre-testing of information schedules helps in reducing non-sampling errors.

3.28 *At times, an informant may not be willing to furnish information sought, particularly when he has to furnish sensitive information. In such cases, the information schedule must have a provision indicating that for certain items, information may be furnished at the discretion of the informant. This would save the informants from being penalised for refusal to furnish information. One old example was that, if a lady by custom cannot be asked to reveal the name of her husband, then her refusal / inability to answer should not be penalised.*

3.29 *Another important feature in an information schedule is to give the plan to disclose any information collected which is otherwise statutorily available to the public and a provision to obtain consent of informants in case of disclosure of other items of information collected. A clear answer to what is going to be done with the data collected would motivate informants to wholeheartedly participate in data collection programs.*

7. Appointment of statistics officers, adjudicating officers and appellate authorities. – [(1) Every notification under section 4 of the Act appointing the statistics officer shall contain the following particulars, namely: -]

(1) The appropriate Government under section 4, 15A and 15B of the Act may appoint statistics officers, adjudicating officers and appellate authorities and shall provide with following particulars, through any notification issued thereto, namely: -

(a) [name,] designation and address of the officer appointed as statistics officer, for each geographical unit for the collection of statistics;

(b) designation and address of the officer appointed as adjudicating officer for each geographical unit for the collection of statistics;

(c) designation and address of the officer appointed as appellate authority for each geographical unit for the collection of statistics;

[(b)] (d) details of any agency or company or organisation or association or person engaged for the collection of statistics, and, terms and conditions of engagement and safeguards laid down for the purpose;

[(c)] (e) the form and the particulars required or the interval within which, and the statistics officer to whom, the statistical information by the informants shall be furnished; and

[(d)] (f) the powers, if any, delegated under sub-sections (4) or (6) of section 4 the Act to any statistics officer.

(2) Every statistics officer, adjudicating officer and appellate authority, immediately on [his] their appointment, shall submit an undertaking in Form-I to the appropriate Government.

Comments

3.30 *Rule 7 provides a check list for preparing the notification on appointing statistics officers, adjudicating officers and appellate authorities under sections 4, 15A and 15B of the Act and the undertaking in Form-I to be submitted by them. It also provides for furnishing details of agencies engaged for data collection and the terms / safeguards in such engagement. Information to be furnished by informants and its periodicity is also to be indicated in the relevant notifications. As already stated in Chapter – 2, a*

statistics officer or an adjudicating officer or an appellate authority may or may not be from the Government. In case any one of them is not from the Government, it would be desirable to have the name of the person in the notification. In other words, clauses (a), (b) and (c) of rule 7 (1) may prescribe for specifying the name of the officer also along with other details. However, if any one of them happen to be a Government officer appointed by designation, it may be stated accordingly in the notification. The Government may consider amending clauses (a), (b) and (c) of rule 7 (1) and Form-II appropriately.

8. Registration of statistics officers, adjudicating officers and appellate authorities. - The appropriate Government shall maintain a record of statistics officers, adjudicating officers and appellate authorities in respect of their appointment, their terms and geographical areas for which they have been appointed, in Form-II on the basis of the notifications provided under section 3 of the Act read with rule 5 of these rules.

Comments

***3.31** Rule 8 lays down that the appropriate Government shall maintain a record of officers in respect of their appointment, their terms and geographical areas for which they have been appointed, in Form-II. It should be noted that whenever the appointments were made by designation in respect of Government officers, there would be no need to issue fresh notifications as and when the incumbents change by way of transfer or for other reasons. However, if a new incumbent takes charge in any capacity, his undertaking in Form-I has to be obtained as per rule 7 (2).*

9. Powers and functions of a statistics officer. - A statistics officer, appointed for the purposes of collection of statistics on any subject in any geographical unit, shall –

(i) take, aid in and supervise the collection of statistics;

(ii) cause agencies to be appointed or engaged for collection of statistics;

(iii) obtain undertaking from all the persons engaged in the collection of statistics in Form-I and forward them to the appropriate Government or to an officer authorised for the purpose by that Government;

(iv) devise or cause to devise relevant information schedules and the mode or modes of collection of statistics with necessary approvals, if any;

(v) allot or cause to allot work of collection of statistics in his jurisdiction to different persons and agencies engaged for the purpose;

(vi) provide all the relevant material to be distributed to agencies engaged and arrange for their training for facilitating the collection of statistics;

(vii) cause to provide necessary publicity for collection of statistics at an appropriate time;

(viii) coordinate the work of all agencies during the period of collection of statistics and maintain liaison with local authorities for smooth conduct of the collection of statistics;

(ix) cause notices to informants, for furnishing information, issued under his signature, where necessary, and cause acknowledgements received from such informants, to be kept in safe custody;

(x) take steps, in case of statistical surveys having the same set of informants with different reference periods, to

issue only one notice to each informant indicating therein the information required to be furnished and the reference periods for which the information is required;

(xi) cause entry of persons authorsied by him in writing and carrying a photo-identity card issued by him into any premises of any informant for collection of statistics;

(xii) cause necessary assistance provided to informants requiring such assistance for furnishing the information sought;

(xiii) cause access to any informant to the information collected from that informant for facilitating intimation of corrections or amendments on any inaccurate information;

(xiv) cause verification of information furnished by any informant;

(xv) in cases of contraventions of the Act, following due process, initiate action against alleged contravener [based on complaints or otherwise, take action against erring persons and others] in accordance with the provisions of the Act and these rules;

(xvi) obtain from the agencies engaged in the collection of statistics, all the information schedules, all the undertakings obtained from persons engaged in the collection of statistics, all other relevant records and documents on completion of their work and forward them with a certificate to that effect to the appropriate Government or to any officer authorised by that Government;

(xvii) carry out such other tasks as may be necessary for the successful collection of statistics; [and]

(xviii) submit periodical reports as may be specified by the appropriate Government;

(xix) maintain the register of cases reported as contraventions of the Act, their disposals, details of penalties and recoveries and status thereof;

(xx) monitor the compliance of order of deposit of the penalty when it becomes due in accordance with the orders of the adjudicating officer or appellate authority; and

(xxi) initiate the process of recovery of penalty, as an arrear of land revenue, in cases of non deposit of penalty as ordered.

Comments

3.32 A statistics officer stands at the central location of the entire gamut of field operations for data collection in his jurisdiction. Powers and functions of a statistics officer are given in rule 9. These include a host of field operations, usually carried out in statistical surveys, such as work allotment, training, publicity, coordination and liaison with local authorities, maintaining identification details of informants in case of repeat surveys / panel surveys, providing identity cards to data collectors, providing access to information collected to the concerned informant (this is consistent with the provisions of the Right to Information Act, 2005) and maintaining relevant records, registers and undertakings including those pertaining to penalties. The statistics officer also causes notices to be issued to informants seeking information and cause acknowledgements received from such informants to be kept in safe custody; take steps, in case of statistical surveys having the same set of informants with different reference periods (for example, price collection surveys), to issue only one notice to each informant indicating therein the information required and the reference periods for which it is required; cause necessary assistance provided to informants requiring such assistance for furnishing the

information sought; obtain all the information schedules/ undertakings / other relevant records on completion of work and forward them to the appropriate Government; and submit periodical reports as may be specified.

10. Assistance in collection of statistics. - (1) Every Department of the Central Government or the State Government or the local governments shall furnish within such time and in such form as required, the list of informants and other information which is available with them, relevant for conducting any statistical survey under these rules to a statistics officer or any agency or person authorised by the appropriate Government upon receipt of a notice to that effect.

(2) The appropriate Government or a statistics officer, as the case may be, may write to any Department of the Central Government or the State Government or any local government specifying the nature of assistance required for collection of statistics under the Act and upon receipt of such communication, the latter shall comply with the requirement to the extent feasible.

(3) In cases of collection of statistics in disturbed areas, the police, the para-military and the armed forces shall provide such assistance as would be required by the concerned statistics officer.

Comments

3.33 Rule 10 deals with assistance that may be required in collection of statistics. Any survey requires a list of informants. The list has to be prepared as a part of the survey planned or has to be obtained from the concerned Office, which maintains it as a part of its duty. Rule 10 enjoins a duty on the concerned offices to furnish

the lists of informants to the data collection agencies. Data collection in disturbed areas requires special assistance from the police, the para-military and the armed forces and rule 10 provides for that as well. We can find similar provisions under the Census Act, 1948 also.

***3.34** There were occasions in the past when one Department conducting a survey sought the assistance of other Departments in the form of deploying their staff for survey work on honorarium basis. This is a better option in terms of ensuring accountability, instead of going for outsourcing to meet shortages in staff component for surveys.*

11. Duty to furnish information. - Subject to the provisions of section 6 of the Act, -

[(1)] (i) every informant shall, on demand, produce or give a copy of any books of accounts, vouchers, documents, or other business records or personal records or documents in his possession relevant to collection of statistics under the Act to any statistics officer or any person authorised by him in writing and carrying a photo-identity card issued by him, and the statistics officer or the authorised person, as the case may be, may take a copy or extract of such record or document; and

[(2)] (ii) the head of every family shall be responsible to furnish or cause to furnish the correct details of name and number of members, other particulars, records and documents, as may be required, of the family of which he is the head including dependants:

provided that in so far as inmates of institutions, such as orphanages, old age homes, and mental asylums are concerned, the

responsibility for providing or causing to provide the requisite details, records and documents shall lie with the head of the Institution.

Comments

3.35 Rule 11 is an elaboration of section 6 of the Act. It lays down that every informant shall, on demand, furnish answers to queries and produce relevant documents to the data collectors possessing photo-identity cards. In case of normal households, the heads of the families and in case of institutional households such as orphanages, old age homes, and mental asylums, the heads of the institutions, will be responsible to furnish or cause to be furnished the information / documents sought.

12. General terms, conditions and safeguards for outsourcing. - Every contract or arrangement for collection of statistics under the Act by any person or agency or company or organisation or association shall be subject to the following terms, conditions, and safeguards, namely: -

(a) outsourcing arrangements shall be subject to a formal and comprehensive written contract;

(b) functions which are to be decided and enforced by the appropriate government under the Act shall not be outsourced;

(c) appropriate Government or a statistics officer or any other officer authorised for the purpose by that Government shall have a right, of information and conduct or order on-site inspections in an outsourcing service provider's premises or place of work and right to cancel contract in case of unsatisfactory performance;

(d) every agency, engaged in collection of statistics, shall render such help and assistance and furnish such information to the statistics officer or a person or an agency authorised by him in writing, as he may require for the discharge of his functions, and shall make available for inspection and examination such records, plans and other documents, as may be necessary;

(e) persons engaged by any agency for collection of statistics, are made aware of the agency's obligations, and they shall submit a written undertaking in Form-I to the concerned statistics officer not to access, use, disclose or retain personal information except in performing their duties of employment or contractual obligations; and are informed that failure to comply with the provisions of the Act and these rules may [be an offence rendering] render themselves for [punishment] penalty as per the provisions of the Act;

(f) each person engaged in any activity relating to the collection of statistics shall be bound by the provisions of the Act and these rules, the violation of which shall render him [punishable] for penalty as per the provisions of the Act;

(g) provisions relating to disclosure of information and restrictions of their use under sections 9, 10, 11, 12, 13 and 14 of the Act and these rules shall have effect during the period of collection of statistics provided in the contract and shall continue to have effect even after the termination or completion of the contract, as the case may be;

(h) the appropriate Government or any statistics officer or any other authority appointed by the appropriate Government on receipt of any complaint shall immediately communicate the agency engaged in collection of statistics of only those details of the complaint, as may be necessary to minimize any breach or prevent further breaches of the agreement or failure to comply with any of the provisions of the Act or these rules;

(i) if any agency engaged in collection of statistics receives any complaint from any informant, it shall immediately communicate the complaint to the appropriate Government or the concerned statistics officer or any other authority appointed by the appropriate Government, as may be required;

(j) the appropriate Government or the statistics officer or any other authority appointed by the appropriate Government may, on receipt of any communication under clauses (h) or (i), give directions, as may be necessary, to the agency; and

(k) the statistics officer and every person engaged in the collection of statistics shall, on completion of their work, handover all the records and documents and furnish a certificate to that effect to the appropriate Government or to an officer authorised for the purpose by that Government.

Comments

3.36 *Rule 12 gives general terms, conditions and safeguards for outsourcing. There should be a clearcut written contract. Statutory functions to be decided and enforced by the appropriate government shall not be outsourced. For example, issuing a direction under section 3 of the Act and the power of appointing statistics officer under section 4 cannot be outsourced. Similarly, designating a nodal officer and the power of appointing an adjudicating officer or an appellate authority cannot be outsourced.*

3.37 *Usually, the staff engaged by a private service provider may not be amenable to the discipline of the appropriate Government or the concerned statistics officer. This rule provides for right, of information and conduct or order on-site inspections in the premises of the service provider by the appropriate Government or the*

concerned statistics officer, as also for cancelling contract in case of poor performance. As a replica of section 7 of the Act, this rule also provides for rendering help, assistance and records by the private agency to the concerned statistics officer and persons / agencies authorised by him. Amenability to discipline by staff of a private agency includes rendering them to prescribed penalties in case of contraventions under the Act. In view of confidentiality and security provisions under the Act, the contractual obligations on maintaining confidentiality under sections 9-14 of the Act and the rules will continue to operate even after cessation of the tenure of the contract.

3.38 *This rule comprehensively provides for the manner, in which complaints have to be handled. It includes steps for preventing further breach of contractual obligations as also the duty of agencies to report in time to the concerned authorities about complaints received by them. The rule also stresses on proper records management.*

13. Restrictions on use of personal information. - Each agency engaged in collection of statistics shall take all reasonable measures to ensure that -

(a) personal information is protected against unauthorised access, disclosure or other misuse;

(b) the agency uses personal information only for the purpose of fulfilling its obligations under a specified contract;

(c) in case of repetitive statistical surveys with a common set of informants, the agency uses the personal information earlier collected only for the purpose of setting up interviews with or otherwise contacting informants; and

(d) the agency uses personal information for data processing only with adequate security checks.

Comments

3.39 *Rule 13 provides restrictions on use of personal information, i.e., information through which an informant could be identified. Every information schedule will have identity particulars of informant, such as name, address, age, religion, community status etc., as also other data elements to be filled in. While disseminating unit / household level data, the identity particulars of informant's unit / household have to be suppressed and the rest of the data collected can be disclosed keeping in view the confidentiality provisions. But, at times, the identity particulars of informant's household / unit would be required for further surveys on the same subject or on different subject. For example, a set of shops would be selected for price collection survey. The survey would be carried out every month in the same set of shops. Another example is that the set of households randomly selected and surveyed by the National Sample Survey Office for its household consumer expenditure survey may again be surveyed by the National Institute of Nutrition (NIN) in respect of nutritional status / assessment of calorific value. The results of the two surveys may be matched at appropriate disaggregated levels to draw meaningful conclusions. In such cases of repeat surveys, the personal information although disclosed to the concerned agency, the agency has to take appropriate steps to prevent its misuse.*

14. Right of entry into any premises of informants. - A statistics officer or any person authorised by him in writing and carrying a photo-identity card issued by the statistics officer, shall, during the period of collection of statistics for the purpose of collection of

statistics under the Act or for inspection and examination of records, and documents in connection with it, during 10.00 hrs to 17.00 hrs on any day or at a time mutually convenient to both the parties have the right to enter the premises of any informant in the portion of the premises normally entered by visitors or guests or as suggested by the informant.

Comments

3.40 Rule 14 deals with the manner of exercising right of entry into any premises of informants. A statistics officer or any authorised person carrying a photo-identity card, shall only enter the premises of an informant during daytime (10.00 hrs to 17.00 hrs) or at a time mutually convenient for the purpose of collection of statistics or for inspection and examination of records / documents, but not for any other purpose. The entry should be in the portion earmarked for visitors / guests or as suggested by the informant. Except in the manner allowed under the Act and the rules and except for the purposes of collection of statistics (which may be considered as a national duty), the privacy of informants should not be invaded by any statistics officer or any other officer authorised by him.

15. Processing of [complaints] cases arising out of any alleged contravention of the Act. - (1) In cases of any alleged [offences] contravention of the Act [committed] by [any] the informant [as per provisions of the Act], [any] statistics officer, after making such inquiries as deemed fit, may cause a notice issued to the [informant] alleged contravener in writing, to show cause within a reasonable period of time to be specified in the notice as to why [prosecution] penalty proceedings should not be initiated against him for the contravention of the provisions of [under] the Act. [shall not be sanctioned for committing the alleged offence.]

(2) A statistics officer after considering [shall consider] the explanation, if any, furnished by the [informant] alleged contravener in pursuance to the notice issued under sub-rule (1) of this rule, and after satisfying himself for reasons to be recorded in writing, shall forward the case along with the explanation furnished by the alleged contravener, as also the grounds for initiating the proceedings for penalty to the adjudicating officer. [sanction for institution of prosecution of the informant.]

(3) In case of any alleged [offences] contravention of the Act [committed] by any person other than an informant, the appropriate Government may, after making [such] inquiries as [deemed fit] per the rules, cause a notice issued to the person in writing to show cause within a reasonable period to be specified in the notice as to why [prosecution] penalty proceedings should not be initiated against him for the contravention of the provisions of [under] the Act. [shall not be sanctioned for committing the alleged offence.]

(4) The appropriate Government may, if it considers necessary, send a copy of the show-cause notice issued under sub-rule (3) of this rule and the explanation, if any, received from the alleged [offender] contravener to the concerned [statistics officer] adjudicating officer for holding an inquiry for determination and imposition of penalty or otherwise. [and obtain his recommendation on it, and after considering the explanation of the alleged offender and recommendation of statistics.]

(5) In case of persons other than an informant who act in contravention of provisions under the Act, appropriate Government may, if it considers necessary, initiate independent proceedings as

per the rules applicable to the nature of the alleged contraventions reported upon in respect of provisions of the Act.

Comments

3.41 ***Rule 15 deals with procedure of processing of contraventions consistent with the principles of natural justice. The procedure includes issuing a show-cause notice to the alleged contravener and obtaining his explanation, to begin with. If the contravener is an informant, the show-cause notice may be issued by the statistics officer and he would forward the case along with his reasons after considering the explanation of the informant to the adjudicating officer. In case of alleged contraventions by persons other than informants, the appropriate Government may cause a show-cause notice to be issued and thereafter, forward the notice along with the explanation received from the person to the adjudicating officer to initiate penalty proceedings. Thus, in either case, the adjudicating officer is the person who will initiate penalty proceedings against alleged contraveners. Things may work well so long as an adjudicating officer happens to be a Government officer irrespective of whether the alleged contravener is from the Government or not. This mechanism may not work well in field situations, if an adjudicating officer is a non-Government officer and alleged contravener is from Government. This issue is deliberated in detail in Chapter – 4.***

3.42 ***The appropriate Government may initiate independent proceedings as per the nature of the alleged contraventions by persons who are not informants. There could be a variety of situations under which this can happen. For example, proceedings initiated for recovery of penalty imposed by an adjudicating officer are independent of the proceedings out of which***

they arise. In case a Government servant happens to be a contravener, he may be proceeded against departmentally for misconduct, independent of the penalty proceedings under the Act. Such independent proceedings when initiated would not be tantamount to double jeopardy.

15A. Determination and imposing of, penalty. – (1) The appropriate Government may appoint as many officers as may be required, not below the rank of statistics officers, as adjudicating officers to hold an inquiry and impose penalty under the provisions of the Act.

(2) Whenever a case on alleged contravention for determination and imposition of penalty is referred to, the adjudicating officer shall inquire into the matter and hold a hearing, either in person or virtual or by any other admissible mode.

(3) The adjudicating officer shall issue a notice of hearing to the parties, including persons acquainted with the facts and circumstances of the case, by name, mentioning the alleged contravention, date, venue and mode of hearing, along with the relevant documents of the case, at least fifteen days before the scheduled date of hearing.

(4) The notice of hearing may also provide for submission of written communication, which may be relevant for deciding the case, by the parties, if they so desire prior to the date of hearing.

(5) The notice of hearing shall be served in the following modes, namely:—

(i) by speed post or registered post;
(ii) by electronic mail, in case electronic address is available;

and proof of deliveries shall be kept on the record of the case file.

(6) The parties may be present in person or through his duly authorised representative, by the specified mode of hearing as decided by the adjudicating officer including video conferencing, if the facility of video conferencing is available, at the time of hearing of the case.

(7) The adjudicating officer, after hearing the parties shall pass a reasoned and speaking order under his signature and seal of the authority he represents. A copy of the said order shall be served upon the parties and proof of deliveries shall be kept on the record of the case file.

(8) If the penalty has been imposed on the contravener under the provisions of the Act, the details of the appellate authority and the time line for preferring an appeal against the order passed by the adjudicating officer shall be provided. In addition, the details of the Government account and the mode of recovery of the penalty amount as also the timeline not less than thirty days by when the amount be deposited, shall be provided in the order. Further, the process of recovery as an arrear of land revenue, if the penalty is not deposited within the timeline, shall also be mentioned in the order.

(9) The order should also mention reporting of compliance of the penalty order, by the contravener, to the statistics officer.

Comments

3.43 It appears that the rules 15A, 15AA and 15B were initially prepared with the intention of inserting them in the rules, so as to

issue amendments to the 2011 rules. Subsequently, the MOSPI might have been advised to repeal the 2011 rules and notify fresh set of rules. In the process, renumbering of the rules has been lost sight of. That is how the numbering has been given for this rule as 15A and the next two rules as 15AA and 15B, as if they have been inserted. Otherwise, the numbering would have been 16, 17 and 18 and continued thereafter.

3.44 *Be that as it may, under rule 15A, the appropriate Government may appoint as many adjudicating officers as may be required, whose rank is above that of the concerned statistics officers. This is required because at times they may have to handle alleged contraventions by statistics officers. In all the cases referred to him, an adjudicating officer may hold a hearing of the parties after allowing the parties to submit written briefs. At least 15 days' notice must be given for each hearing and notice for hearing has to be issued in the prescribed modes. A reasoned and speaking order has to be issued on conclusion of the hearing. In case a penalty has been imposed, the way it has to be remitted as also the timeline not less than 30 days by which it has to be remitted has to be specified in the order. The details of the appellate authority are also to be given in the order. The fact that the penalty if not deposited in time will be recovered as an arrear of land revenue shall also be mentioned in the order.*

15AA. Powers of the adjudicating officer. - An adjudicating officer appointed under section 15A of the Act to hold an inquiry and impose penalty, shall also have the powers to -

(i) call for oral or written evidence on oath or on affidavit from parties including from any other person who has been summoned;

(ii) peruse or inspect relevant documents, records or copies thereof;

(iii) summon and enforce the attendance of any person acquainted with the facts and circumstances of the case. Any appropriate agency including the District Administration shall render such assistance on receiving a reference regarding enforcing the attendance of any person while discharging the duties of the adjudicating officer appointed under the Act.

Comments

3.45 This rule deals with the usual provisions that any Inquiring Authority would employ to conduct an inquiry, namely, summoning and enforcing attendance of witnesses, asking for production of documentary evidence and affidavits, and examining witnesses on oath. This rule empowers adjudicating officers on these lines.

15B. Appeal against the order of adjudicating officer.— (1) The appropriate Government may appoint any of its officers, above the rank of adjudicating officer, as an appellate authority under the provisions of the Act.

(2) Whoever aggrieved by the order passed by the adjudicating officer under this Act, may prefer an appeal to the appellate authority, within thirty days from the date of receipt of order, in Form-III.

(3) An appeal may be admitted even after the expiry of the period of thirty days if the appellant satisfies the appellate authority that he had sufficient cause for not preferring the appeal within that period. In case the appeal has been preferred against the order of the

adjudicating officer, the operation of the order of the adjudicating officer shall be kept in abeyance, till the disposal of the appeal.

(4) Whenever, such an appeal is received, the appellate authority shall hold a hearing, either in person or virtual or by any other admissible mode, as may be decided by the appellate authority.

(5) The appellate authority shall issue a notice of hearing to the parties, including persons acquainted with the facts and circumstances of the case, by name, date, venue and mode of hearing, along with the relevant documents of the receipt on appeal, at least fifteen days before the scheduled date of hearing.

(6) The notice of hearing may also provide for submission of written communication, which may be relevant for deciding the appeal, by the parties, if they so desire at least five days before the date of hearing.

(7) The notice of hearing shall be served in the following modes, namely:—

(i) by speed post or registered post;
(ii) by electronic mail, in case electronic address is available;

and proof of deliveries shall be kept on the record of the case file.

(8) The parties may be present in person or through his duly authorised representative by the specified mode of hearing as decided by the appellate authority including video conferencing, if the facility of video conferencing is available, at the time of hearing of the case.

(9) The appellate authority may, after giving the parties to the appeal an opportunity of being heard, pass such order as he may think fit.

(10) A copy of the said order shall be served upon the parties and the statistics officer concerned, and proof of deliveries shall be kept on the record of the case file.

(11) If the appellate authority has upheld the order of the adjudicating officer, a timeline for compliance of the said order should also be mentioned in the decision of the appeal.

(12) The appellate authority referred to in sub-section (1) of section 15B of the Act, shall dispose of the appeal within sixty days from the date of filing the appeal.

Comments

3.46 ***This rule provides for appointments of appellate authority, who should be higher in rank compared to adjudicating officer, because he should sit in judgement over the decision of the adjudicating officer. Appeal against the order of adjudicating officer can be made within 30 days' time. In case of delay, sufficient cause has to be shown. The order of the adjudicating officer has to be kept in abeyance when appeal is preferred against it.***

3.47 ***The appellate authority has to issue at least 15 days' notice for hearing to all the concerned parties / witnesses and permit submission of written statements at least five days before the date of hearing. After issuing notice in the prescribed modes, and after conducting personal hearing to the concerned parties / witnesses mainly to give the aggrieved an opportunity of being heard, the***

appellate authority has to issue an appropriate order. If the order of the adjudicating officer is upheld, fresh timeline has to be specified in the order for depositing the penalty amount. The entire process of appeal shall be completed within sixty days.

16. Storage of data and records. - Subject to the provisions of section 13 of the Act, the appropriate Government or an officer authorised by that Government shall, provide details by which any informant could access his own information for facilitating intimation of corrections or amendments on any inaccurate information, store the statistics collected under the provisions of the Act in such a manner as would facilitate easy retrieval of information collected from any informant so as to provide access to the informant, if necessary and keep all the undertakings and other material obtained from the statistics officers and other persons or agencies engaged in collection of statistics in safe custody.

Comments

3.48 Rule 16 is an offshoot of the provisions under section 13 of the Act. The appropriate Government shall facilitate access to an informant to the information collected from him, consistent with the provisions of the Right to Information Act, 2005. It shall also take steps to store the statistics collected as also other relevant records in safe custody.

17. Repeal and Saving. – (1) The Collection of Statistics Rules, 2011 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said rules shall be deemed to have been done or taken under the corresponding provisions of these rules.

Comments

3.49 Rule 17 is the usual repealing and saving provision seen in all sub-ordinate legislations. It is a settled law that legal provisions can only be applied prospectively, but not retrospectively.

Form-I

[See rules 7 (2), 9 (iii), 12 (e)]

Undertaking by statistics officer or adjudicating officer or appellate authority and other persons to be engaged in any capacity for collection of statistics under the provisions of the Collection of Statistics Act, 2008 (7 of 2009)

I, _____ (Full Name), born on _____ (Date of birth), son or daughter or wife of _____ (Name of person) resident of _____ (address) do hereby solemnly affirm, that I accept the responsibility (nature of work) assigned to me for collection of statistics in respect of _____ (direction under section 3 or section 15A or section 15B of the Act) under the Collection of Statistics Act, 2008 (7 of 2009) as amended through Jan Vishwas (Amendment of Provisions) of Act, 2023 and the Collection of Statistics Rules, [2011] 2024, that I shall not access, use, disclose or retain personal information of any informant except in performing my duties of employment or contractual obligations in respect of collection of statistics, and that in case of any violation on my part to comply with the provisions of the Act and the rules made thereunder, and I shall render myself [punishable as per the provisions of the Act] liable, in terms of the extant provisions of the Act or relevant law as applicable.

Place: ___

Date: ___

Signature of statistics officer or adjudicating officer or appellate authority or the person engaged in any capacity for collection of statistics

Comments

***3.50** Form-I appended to the rules is the format in which an undertaking has to be submitted by all persons who are engaged in any capacity for collection of statistics or for exercising any powers and functions specified under the provisions of the Act and the rules. This is about their accepting the responsibility, their commitment to comply with the confidentiality provisions given in the Act and rendering themselves liable for penalties under the Act and the rules, in case of contraventions. The last line in the form indicates that violations of the provisions of the Act may attract contraventions under the other relevant laws as well. This is an indication of the applicability of Bharatiya Nyaya Sanhita, where necessary.*

Form-II

(See rule 8)

Register of statistics officers or adjudicating officers or appellate authorities to be maintained by the appropriate Government

1. Details of the direction issued under section 3 of the Collection of Statistics Act, 2008:

2. Name and address of the appropriate Government making direction:

3. (a) Details of statistics officers appointed for collection of statistics under the aforesaid direction:

[

S. No.	Name of statistics officer	Permanent address	Educational qualifications and experience, if any, in collection of statistics	Geographical unit for which appointed and period of appointment	Powers, if any, delegated under section 4 (4) and (6) of the Act

(1)	(2)	(3)	(4)	(5)	(6)

Date of appointment	Date of termination of appointment
(7)	(8)

]

S. No.	Designation of statistics officer	Official address	Geographical unit for which appointed	Powers, if any, delegated under section 4 (4) and section 4 (6) of the Act	Date of appointment	Period of appointment
(1)	(2)	(3)	(4)	(5)	(6)	(7)

(b) Details of adjudicating officers for collection of statistics under the aforesaid direction:

S. No.	Designation of adjudicating officer	Official address	Geographical unit for which appointed	Date of appointment	Period of appointment
(1)	(2)	(3)	(4)	(5)	(6)

(c) Details of appellate authority for collection of statistics under the aforesaid direction:

S. No.	Designation of appellate authority	Official address	Geographical unit for which appointed	Date of appointment	Period of appointment
(1)	(2)	(3)	(4)	(5)	(6)

Place: ___
Date: ___

Signature with office seal
of the officer responsible for maintaining the record of statistics officers, adjudicating officers and appellate authorities

Comments

3.51 The details of the team of officers, namely, statistics officers, adjudicating officers and appellate authorities, appointed in respect of each direction notified under section 3 of the Act has to be maintained in this format by the appropriate Government. In case any statistics officer or an adjudicating officer or an appellate authority is a non-Government officer, the prescription of mere designation without furnishing name may not suffice. The format seems to have been prepared under the impression that the types of officers will always be from the Government. The Government may re-examine this issue to bring in suitable amendment.

Form-III

(Form for filing the appeal against order of Adjudicating Officer)

[See Rule 15B]

To,

The Appellate authority appointed under the Act:
Geographical Jurisdiction of the Appellate authority:

Subject: Appeal under section 15B of the Act

1. Name and address of the appellant .....
2. Name and address of the Adjudicating Officer .....
3. Particulars of the case for which penalty has been imposed .....
4. Particulars of the order(s) including number and date, if any, against which the appeal is preferred .....
5. Amount of Penalty (Amount in Rs.) .....
6. Grounds for appeal
7. Prayer or relief sought in the appeal: .....

8. Any other information relevant to the appeal .....

9. Whether appeal filed within 30 days (Yes/No)? If No, justification may be given for delay:

Name of the Appellant .....

Signature .....

Place.....

Date.....

Address for correspondence (including mobile or telephone number and email, wherever available) .....

Enclosures:

1. Copy of the order passed by Adjudicating officer.

2. Case documents as received from Adjudicating officer at the time of hearing.

3. Any other relevant material relied upon.

4. Justification for delay if any.

Comments

3.52 This is the format in which an appeal has to be filed with the appellate authority, which provides for all the relevant material including justification in cases of delay in preferring appeal.

Annexure

Model Annual Report of nodal officer of
Government / Administration of _____
under rule 4 of the Collection of Statistics Rules, 2024
for the financial year _____

1. Name & Designation of nodal officer:

2. Date from which the nodal officer was appointed/ designated (please enclose a copy of order/ notification issued to this effect):

3. Rank of the nodal officer in the Government / Administration in which he is working:

4. No. of cases in which the nodal officer was consulted in compliance to rule 5 of the Collection of Statistics Rules, 2024 on avoiding unnecessary duplication in collection of statistics before issuing a direction under section 3 of the Collection of Statistics Act, 2008 and the details thereof:

5. No. of cases, out of cases mentioned at s. no. 4, in which the nodal officer rendered advice and the details thereof:

6. No. of cases, out of cases mentioned at s. no. 5, in which disagreement along with reasons was furnished and the details thereof:

7. Details of delays, if any, in the process in respect of s. nos. 4 to 6 and reasons thereof:

8. No. of cases in which the nodal officer was consulted, in compliance to rule 6 (ii) of the Collection of Statistics Rules, 2024, on inclusion of the requirements of other Government Departments before finalising items on which information is to be collected:

9. No. of directions issued under section 3 of the Collection of Statistics Act, 2008 and the notifications received by the nodal officer:

(i) Since start (16th May 2011):

(ii) During the period under report:

10. No. of statistics officers, adjudicating officers and appellate authorities appointed under rules 4, 15A and 15B of the Collection of Statistics Rules, 2024 and the notifications received by the nodal officer:

(i) Since start (16th May 2011):

(ii) During the period under report:

11. Whether a register of statistics officers, adjudicating officers and appellate authorities is being maintained by the appropriate Government and if so, the summary details thereof:

12. Details of information on availability of statistics including unit-level data, whether collected under the provisions of the Act or not, with different Departments / as provided by nodal officers in the States / local governments in the State, as the case may be:

13. Details of advice given by the nodal officer, in compliance to rule 4 of the Collection of Statistics Rules, 2024, on steps to improve the statistical potential of administrative records:

14. Details of instructions issued by the nodal officer, in compliance to rule 4 of the Collection of Statistics Rules, 2024, on promoting the sharing of statistical information including unit-level data and disputes/ differences of opinion, if any, resolved:

15. Details of reports, if any, obtained from other Departments etc., on the working of the Collection of Statistics Act, 2008 and the Rules made thereunder, for preparation of this report:

16. Details of contraventions and penalty proceedings / appeals, if any, reported to the nodal officer:

17. Details of any difficulty reported to the nodal officer, in implementing the provisions under the Collection of Statistics Act, 2008 and the Rules made thereunder, for any type of collection of statistics:

18. Details of Training/ sensitization programs organised on implementation of the Collection of Statistics Act, 2008 and the Rules made thereunder and the no. of programs in which the nodal officer participated:

19. Assessment of the nodal officer (based on records) on the difficulties faced in implementation of the Collection of Statistics Act, 2008 and the Rules made thereunder and on making the law more effective:

20. Directions of the Government, if any, on the previous Annual Reports of nodal officer and the manner in which they were complied with, during the period under report:

Signature of the nodal officer
(Name & Designation & Date)

Chapter – 4

Penal provisions and related procedures

***

Annotated model of a National Statistics Act

4.1 **The offences / contraventions and penalties usually covered under different statistical laws are given in the UN Handbook of Statistical Organization, Third Edition (2003): The Operation and Organization of a Statistical Agency[1], which contains Annotated model of a National Statistics Act at Annex-I thereof. It was claimed in the Handbook that several of the texts given in the model Act are derived from actual statistical laws of various countries. It was also stated in the Handbook that the issues covered thereof (including the penal provisions) often relate directly to what is said in the UN Fundamental Principles of Official Statistics (FPOS). The FPOS were formally adopted by the Government of India w.e.f 15-06-2016.**

4.2 **Seven types of offences and the penalty prescribed for these offences given in the afore-mentioned model statistical law are summarized below:**

(1) Refusal or neglect to answer any question asked for obtaining any information sought under the Act

(2) Refusal or neglect to furnish any information or to fill in to the best of knowledge and belief any schedule or form required to be filled in, and to return the same when required

(3) Refusal or neglect to grant access to any relevant documents / records to authorised persons under the Act that

[1] **Available at:** https://unstats.un.org/unsd/publication/seriesf/seriesf_88e.pdf

would aid in the completion or correction of the required information

(4) Wilfully answering falsely any question requisite for obtaining any information sought under the Act

(5) Knowingly giving false or misleading information or practising any other deception

(6) Wilfully obstructing in any way or seeking to obstruct any person employed in the execution of any duty under the Act

(7) Wilfully disclosing or divulging directly or indirectly to any unauthorized persons any information or using such information obtained in the course of employment under the Act

4.3 For all the persons guilty of the above criminal offences, the model Act stated that they will be liable on summary conviction to a fine not exceeding …….. or to imprisonment for a term not exceeding ……or to both. The offences at s. nos. (4) to (7) are more serious offences and the penalties for them may be relatively higher.

4.4 In India, there are three statistical laws, namely, the Census Act, 1948, the Registration of Births and Deaths (RBD) Act, 1969, and the Collection of Statistics (COS) Act, 2008. Before examining the penal provisions under the COS Act, 2008 in detail, let us briefly look into the penal provisions under the first two statutes, keeping those under the model statistical Act at the back of our mind.

Penal provisions and prosecution procedures under the Census Act:

4.5 The penal provisions under the Census Act, 1948 are briefly presented in the following table:

S. No.	Offence	Punishment
1.	Contravention of any order regarding requisitioning any premises or vehicle for census taking or an order seeking information to determine compensation for such property (section 7H)	Imprisonment for a term which may extend to one year or with fine or with both
2.	Refusal to perform any census duty, or neglect to use reasonable diligence in performing any duty or in obeying any order by any census-officer or any person lawfully required to give assistance [section 11 (1)]	Punishable with fine which may extend to one thousand rupees and with imprisonment which may extend to three years
3.	Hindering or obstructing another person in performing any duty or obeying any order [section 11 (1)]	Punishable with fine which may extend to one thousand rupees and with imprisonment which may extend to three years
4.	Intentionally putting any offensive or improper question or knowingly making any false return by any census-officer [section 11 (1)]	Punishable with fine which may extend to one thousand rupees and with imprisonment which may extend to three years
5.	Unauthorised disclosure of any information in census returns by any census-officer [section 11 (1)]	Punishable with fine which may extend to one thousand rupees and with imprisonment which may extend to three years
6.	Mutilation of census documents by any sorter, compiler or other member of the census staff [section 11 (1)]	Punishable with fine which may extend to one thousand rupees
7.	Failure in deploying staff for census work by any local authority when ordered to do so [section 11 (1)]	Punishable with fine which may extend to one thousand rupees
8.	Intentionally giving a false answer to, or refusing to answer to the best of knowledge or belief, any	Punishable with fine which may extend to one thousand rupees

S. No.	Offence	Punishment
	question asked by a census-officer [section 11 (1)]	
9.	Refusing reasonable access to a census officer to a house, enclosure, vessel or other place for census work [section 11 (1)]	Punishable with fine which may extend to one thousand rupees
10.	Removing, obliterating, altering, or damaging any letters, marks or numbers which have been painted or affixed for the purposes of the census [section 11 (1)]	Punishable with fine which may extend to one thousand rupees and with imprisonment which may extend to three years
11.	Knowingly and without sufficient cause failing to fill up a schedule left for that purpose by a census-officer [section 11 (1)]	Punishable with fine which may extend to one thousand rupees
12.	Trespassing into a census office [section 11 (1)]	Punishable with fine which may extend to one thousand rupees
13.	Abetment of offences given at s. nos. 1 to 12 [section 11 (2)]	Punishable with fine which may extend to one thousand rupees

4.6 Section 12 of the Census Act provides for obtaining previous sanction of the appropriate Government before institution of prosecution under the Act against persons employed in a census. The offences at s. nos. 1, 2, 3, 4, 5 and 10 in the above table are relatively more serious offences. Section 13A of the Act provides for summary conviction under CrPC for the serious offences at s. nos. 2, 3, 4, 5 and 10 in the above table. Section 14 of the Act states that no Court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class, shall try whether under this Act or under any other law, any act or omission which constitutes an offence under this Act. There is an interesting provision under section 13 of the Census Act which states that any person may be prosecuted under any other law for any act or omission which constitutes an offence under the Census Act. Thus, all the offences under the Census Act are criminal offences.

Penal provisions and Prosecution procedures under the RBD Act:

4.7 Sections 23, 24, 25 and 25A of the Registration of Births and Deaths (RBD) Act, 1969 deal with penal provisions. The Act defined offences by individuals and by persons holding responsible positions in reporting information or performing duties. Higher fines are prescribed for persons holding responsible positions. No imprisonment is prescribed for any offence. There is a provision for sanctioning by authorised officers, any prosecution (section 25) in a criminal court in a summary way. Prior to or after instituting criminal proceedings, the Act provided power to compounding offences (section 24) without proceeding further in the cases. There is a provision for appeal against the orders of officers as per section 25A of the Act. Thus, all the offences under the RBD Act are also criminal offences.

Penal provisions in the COS Act prior to its third amendment:

4.8 Prior to its third amendment, the COS Act, 2008 contained offences and penalties in its chapter IV, i.e. sections 15 to 26. Although minor in nature, all these offences are treated as criminal offences, like those under the Model Statistics law, the Census Act and the RBD Act. They are summarized in the following table:

S. No.	Offence	Penalty
1.	Failing to produce relevant documents, neglecting or refusing to fill in and supply the particulars required in any information schedule or return, neglecting or refusing to answer any question or inquiry [section 15 (1)]	Punishable with a fine which may extend to Rs.1,000/- or, in the case of a company, with a fine which may extend to Rs.5,000/-
2.	Continuing with the offence at s. no. 1 after the expiry of fourteen days from the date of	Punishable with a further fine which may extend to Rs.1,000/- or, in the case

S. No.	Offence	Penalty
	conviction [section 15 (2)]	of a company, with a fine which may extend to Rs.5,000/-, for each day after the first during which the failure continues
3.	Willfully making any false or misleading statement or material omission in any information schedule or return filled in or supplied, or in answer to any question asked (section 16)	Punishable with simple imprisonment for a term which may extend to six months or with a fine which may extend to Rs.1,000/- or, in the case of a company, with a fine which may extend to Rs.5,000/- or with both
4.	Destroying, defacing, removing, or mutilating any information schedule, form, or other document containing particulars collected under this Act (section 17)	Punishable with simple imprisonment for a term which may extend to six months or with a fine which may extend to Rs.2,000/- or, in the case of a company with a fine which may extend to Rs.10,000/- or with both
5.	Interfering with, hindering, or obstructing any employee in the exercise of any power or duty (section 18)	Punishable with simple imprisonment for a term which may extend to six months or with a fine which may extend to Rs.2,000/- or, in the case of a company with a fine which may extend to Rs.10,000/- or with both
6.	Acting in contravention of or failing to comply with any provision of the Act or any requirement or willfully deceiving or attempting to deceive any statistics officer or any agency or any employee thereof (section 19)	Punishable with simple imprisonment for a term which may extend to six months or with a fine which may extend to Rs.2,000/- or, in the case of a company with a fine which may extend to Rs.10,000/- or with both
7.	Being employed in the execution of any duty, omitting without lawful excuse	Punishable with simple imprisonment for a term which may extend to six

S. No.	Offence	Penalty
	to carry out duty, or knowingly making any false declaration, statement or return or pretending performance of duties or obtaining or seeking to obtain information unauthorizedly or failing to keep inviolate the secrecy of the information gathered or entered in the information schedules or divulging contents of any schedule filled in or any information furnished by any informant (section 20)	months or with a fine which may extend to Rs.2,000/- or, in the case of a company with a fine which may extend to Rs.10,000/- or with both
8.	Impersonation of employees (section 21)	Punishable with simple imprisonment for a term which may extend to six months or with a fine which may extend to Rs.2,000/- or, in the case of a company with a fine which may extend to Rs.10,000/- or with both
9	General penalty (an offence under this Act for which no penalty is prescribed elsewhere) [section 22]	Punishable with simple imprisonment for a term which may extend to six months or with a fine which may extend to Rs.2,000/- or, in the case of a company with a fine which may extend to Rs.10,000/- or with both

4.9 Section 24 of the COS Act provides for cognizance of offences. It lays down that no court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try offences and no court shall take cognizance of any offence except on a compliant made by the appropriate Government or an authorised officer or, as the case may be, the statistics officer.

4.10 The offences given in the above table may be committed by informants or others including those who are engaged for performing any duty under the Act. Section 25 of the Act lays down that prosecution of an informant for an offence shall be instituted only with the sanction of the statistics officer, and prosecution of other persons for an offence shall be instituted only with the consent of the appropriate Government. Section 26 provides for summary conviction. All the offences under the Act are criminal offences and Section 30 of the Act provides for barring the jurisdiction of civil courts.

Provisions in the COS Rules, 2011 in respect of offences

4.11 Provisions in the COS Rules, 2011 supplement those under the principal Act. Rule 9 (xv) provides that a statistics officer shall, based on complaints or otherwise, take action against erring persons. Rule 12 (h) provides that the appropriate Government or any statistics officer on receipt of any complaint shall immediately communicate the agency engaged in collection of statistics of only those details of the complaint, as may be necessary, to minimize any breach or prevent further breaches of the agreement or failure to comply with any of the provisions of the Act / rules. Rule 12 (i) provides that if any agency engaged in collection of statistics receives any complaint from any informant, it shall immediately communicate the complaint to the appropriate Government or the concerned statistics officer, as may be required. Rule 15 provides for the procedure of processing complaints prior to sanctioning prosecution. A show-cause notice, after making such inquiries as deemed fit, needs to be issued to alleged offenders, by statistics officer in case of informants and by appropriate Government in case of persons other than informants. In case of informants, statistics officer shall consider the explanation, if any, received and after

satisfying himself, for reasons to be recorded in writing, sanction for institution of prosecution. In case of persons other than informants, the appropriate Government may, if it considers necessary, obtain the recommendation of statistics officer on the show-cause notice and the explanation, if any, received from the alleged offender and after consideration of the same, sanction the institution of prosecution.

Manner of filing complaints and conducting summary trials

4.12 After receiving sanction for prosecution, summary trial will be started with filing of a complaint in the competent court in whose jurisdiction the case falls. The jurisdiction has to be decided with reference to the Police Station under whose jurisdiction the address of the informant/ offender falls. Rules for institution of the criminal complaints before the Competent Magistrate Courts are provided in Criminal Manual of each State. The complaint filed should be as complete and self-contained as possible and should be filed in the competent court through an advocate. For engaging an advocate, District Government Pleaders appointed by State Governments (Law Department) for taking up Government cases at different places are to be consulted. Central Government Offices may approach Additional Central Government Standing Counsel (ACGSC) appointed by the Government of India, Ministry of Law and Justice at different places for engaging a Government Counsel. Usually, ACGSCs would be available in all the State capitals. The complainant has to be present in the court on the date of hearing.

4.13 After filing of complaint, the court will initiate summary trial. A summary trial implies speedy disposal. The trial procedure is provided under Sections 260 to 265 of the Code of Criminal Procedure (CrPC) [now replaced by Bharatiya Nagarik Suraksha

Sanhita, 2023]. After examination of the complainant, and after inquiry, if any, if the court comes to the conclusion that either no offence is made out against the accused or there are no sufficient material and evidences against the accused named, to proceed against them, the court would dismiss the complaint, and in every such case the court would briefly record its reasons for so doing. On the other hand, if the court concludes that there are sufficient material and evidence against the accused named, which are sufficient to proceed against them, the court shall issue summons for the attendance of the accused. The summons is executed through Police. To minimise delay in serving of summons, help of local police and other law enforcing agencies may be taken. The copy of the complaint along with all the documents relied upon by the Complainant must be furnished to the accused.

4.14 On the next date fixed of hearing, the accused are obliged to appear in person. However, whenever the court issues summons, the court may, if it sees reason so to do, dispense with the personal attendance of the accused and permit him to appear by his pleader/ advocate. But the court inquiring into or trying the case may, in its discretion, at any stage of the proceedings, direct the personal attendance of the accused, and, if necessary, enforce such attendance.

4.15 In a summary trial, like in a summons-case, the procedure followed is very simple. The accused appears before the court or is brought before the court. Then he is questioned with reference to the accusation leveled against him. If he pleads guilty, that fact would be recorded in the summary trials register, and the case record would normally contain the questions put to the accused and the answer given by him in his own words. The court can immediately pass an appropriate sentence by making an entry in the

prescribed column in the summary trials register. No separate judgment needs to be pronounced in such a case. If he pleads not guilty the evidence of the prosecution witnesses will be recorded. It may not be in the form of elaborate depositions as is done in the case of a normal trial. Only the substance of their statements needs to be recorded in the form of memoranda which need not be signed by the witnesses. Then, the accused is questioned briefly with reference to prosecution evidence, and his answers are once again recorded and the accused is also asked to produce his defense, if any. If the accused produces any witness, the same shall be recorded and on hearing the arguments and accepting the written argument, if any, a judgment of conviction or acquittal, as the case may be, is pronounced thereafter.

4.16 When the judgement is pronounced in summons case, the parties need not argue on the amount of punishment given. The sentence is the sole discretion of the judge. If the accused is acquitted, the prosecution has the right to appeal. This right to appeal is also extended to the accused. It was gathered that most of the cases filed in courts under the COS Act, 2008 were concluded within six months due to summary trials. However, details of these cases are not in the public domain.

4.17 In case of conviction of informants under section 15 (1) of the COS Act, the obligation of informants in furnishing information sought will not cease. As per provisions under section 15 (2) of the Act, if after the expiry of 14 days from the date of conviction, the accused still fails to furnish the information as per requirements, then he shall be punishable as per due procedure. A fresh complaint has to be filed in the competent court in all such cases. This is an important provision in the Act, as its ultimate purpose is to facilitate

collection of statistics and not to collect fines. A prosecution case explained in the next paragraph emphasises this.

4.18 A company (name not given here) did not submit in time, the return prescribed under the Annual Survey of Industries, conducted based on a direction under section 3 of the Act. A complaint was filed against the company and its Managing Director in the competent court and the court imposed a penalty in terms of Rs. 5,000/- fine to the company (& in default to undergo simple imprisonment of one month) and Rs. 1,000 (& in default to undergo simple imprisonment of one week) to the Managing Director under section 15 (1) of the Act. The fine was paid but the return was not submitted by the company, even after bringing to its notice about the obligation under section 15 (2) of the Act. Another complaint was filed in the court citing failure to comply with the obligation under section 15 (2) of the Act. The accused pleaded guilty in the court. The court found that the contravention period was 934 days and decided to impose a fine of Rs. 1,000 per day (a maximum of Rs. 5,000/- per day can be imposed). Accordingly, the accused was convicted and sentenced with a fine of Rs.9,34,000/- and in default to undergo a simple imprisonment of one year.

Overriding effect on other laws

4.19 Section 32 of the COS Act, 2008 provides for an overriding effect over other laws except in relation to human population census conducted under the Census Act, 1948. This is because the COS Act, 2008 along with the COS Rules, 2011 is a complete code and special law in respect of collection of statistics and in case of offences common to the COS Act and the other laws, the provisions of the COS Act would prevail. All the offences under the COS Act, 2008 were also found in the Indian Penal Code (IPC). Examples are

neglect or refusal to furnish information, furnishing false or misleading statement or material omission, mutilation or defacement of documents, obstruction of employees, failure to carry out duties and functions by employees, and impersonation of employee. Only one law would apply to any criminal offence relating to collection of statistics, as double jeopardy is not permissible under the law. These criminal offences can also be found under the Bharatiya Nyaya Sanhita, 2023, which replaced the IPC. The IPC or the Sanhita is a general law on criminal offences and penalties. Being a special law on collection of statistics, the COS Act, 2008 overrides the provisions of the IPC or the Sanhita. This rests on the principle of interpretation - *generalibus specialia derogant* (the specific overrides the general). Similarly, the COS Act, although consistent with the Right to Information (RTI) Act in requiring the Government to furnish information to citizens, overrides the RTI Act in not revealing the identity of informants along with their data. Being a complete code on the subject of statutory collection of statistics, the COS Act having a provision for an overriding effect over other laws under section 32 is wholly justified, reasonable and meaningful. Moreover, the provisions are consistent with those under the Model Statistical Law. They also conform to the noble objectives enshrined under the FPOS. More details on this issue are given in the Chapter – 5.

Decriminalisation under the COS Act prior to its third amendment

4.20 Decriminalisation of certain laws was taken up as a public policy at a later stage. But without naming as such, it was successfully introduced in the COS Act, 2008 at its formative stage itself when the statute was enacted. Decriminalisation of a law can be carried out mainly in two ways. One way is to make provisions in the law to override the IPC (now, Bharatiya Nyaya Sanhita), which

is generally applicable to criminal offences, to provide for minor penalties (such as fines) for certain offences for which the IPC or Sanhita prescribes imprisonment. This has been done in the COS Act, 2008 under section 32.

4.21 Details of the common offences under the IPC and the COS Act, 2008 can be seen in the following table:

Nature of offence	Penalty prescribed under the	
	COS Act, 2008	Indian Penal Code
1. Penalty for neglect or refusal to answer any question / supply particulars or furnish document	Fine up to Rs.1,000/- (Rs.5,000/- for a company). Further fine up to Rs.1,000/- (Rs.5,000/- for a company) for each day after the expiry of fourteen days from the date of conviction if the offence continues (Section 15)	Simple imprisonment for a term which may extend to six months, or with fine which may extend to Rs.1,000/-, or with both (section 179), Simple imprisonment for a term which may extend to one month, or with fine which may extend to Rs.500/-, or with both (section 175)
2. Making false statement	Simple imprisonment for a term which may extend to six months or with a fine up to Rs.1,000/- (Rs.5,000/- for a company) [Section 16]	Simple imprisonment for a term which may extend to six months, or with fine which may extend to Rs.1,000/-, or with both (section 177)
3. Mutilation or defacement of information schedule	Simple imprisonment for a term which may extend to six months or with a fine up to Rs.2,000/- (Rs.10,000/- for a company) [Section 17]	Imprisonment of either description for a term which may extend to seven years, or with fine, or with both (section 477A)
4. Obstruction of employees	Simple imprisonment for a term which may extend to six months or with a fine up to Rs.2,000/- (Rs.10,000/- for a company) [Section 18]	Simple imprisonment for a term which may extend to three months, or with fine which may extend to Rs.500/-, or with both (section 186)
5. Failure to carry out duties	Simple imprisonment for a term which may extend	Simple imprisonment for a term which may

Nature of offence	Penalty prescribed under the	
	COS Act, 2008	Indian Penal Code
and functions by employees, unauthorized disclosure of information	to six months or with a fine up to Rs.2,000/- (Rs.10,000/- for a company) [Section 20]	extend to one year, or with fine, or with both (section 166)
6. Impersonation of employee	Simple imprisonment for a term which may extend to six months or with a fine up to Rs.2,000/- (Rs.10,000/- for a company) [Section 21]	Imprisonment of either description for a term which may extend to two years, or with fine, or with both (section 170)

4.22 Thus, imposing only fines in place of imprisonment (in respect of informants under section 15 of the COS Act) and reducing the term of imprisonment in respect of other offences (in respect of informants and other persons for more serious offences under sections 16 to 22 of the COS Act) are measures of decriminalisation which were incorporated in the COS Act, 2008. Since the penalties in the last column in the above table have been slightly enhanced in the Bharatiya Nyaya Sanhita, which replaced the IPC, the extent of decriminalisation can be construed as further enhanced.

4.23 The other way of decriminalisation is to provide for measures which, without altering the nature and ingredients of an offence, limit or dilute the penalty for that offence, through procedural means. The general exceptions given in the IPC or the Sanhita and the provision of releasing a convict on probation available in criminal law, which are conceived as measures of decriminalisation, have not been altered under the COS Act, 2008 for the common set of criminal offences.

4.24 Another procedural device, generally adopted as a measure of decriminalisation, is to make a provision in the law to provide for previous sanction of a particular authority as a mandatory requirement for the prosecution of a particular person or class of persons for a particular offence or class of offences. Looking at the facts and circumstances of the case and after considering the explanation of the offender, if sanction for prosecution is not granted by the competent authority, then, the matter will not be taken to criminal court and the offender in question does not actually receive punishment. Such procedural restrictions are designed to operate as obstacles against carrying the conduct in question to the ultimate destination of imposing punishment. The measures also decongest litigation in courts. Section 25 of the COS Act, 2008 reproduced below serves this purpose:

> "25. No prosecution for an offence committed by any informant shall be instituted except by or with the sanction of the statistics officer, and no prosecution for an offence committed by persons other than informants shall be instituted except by or with the consent of the appropriate Government."

4.25 The penalties prescribed under the Act are mostly minor in nature and in the form of fines. Summary trials (section 26) have been prescribed to try offences under the Act. Each case, on the average, concludes within a period of six months. Therefore, heavy pendency or clogging of cases in courts is not likely to occur. All these analytical facts indicate that decriminalisation has been fully followed in the COS Act, 2008 at the time of its enactment and there seems to be no further scope for further decriminalisation. Nodal officer's reports will be an important input for reviewing the working of the COS Act, 2008 and for amending the law where

necessary. In the absence of this material, if the law is amended, one may, at times, end up addressing non-existing problems.

4.26 Without realising the implications, if one attempts to further decriminalise the provisions, one of the following situations or a similar situation may arise:

Situation-1: If sections 15 to 22 of the Act are omitted from the Act as a measure of decriminalisation, then there would be no common criminal offence left in the Act to override the IPC or the Bharatiya Nyaya Sanhita. In other words, the very mention of a few common criminal offences in the COS Act may create repugnancy with the IPC or Sanhita in terms of punishments / penalties and then, for those offences, the punishments / penalties specified under the COS Act prevail over those under the IPC or Sanhita. By omitting sections 15 to 22 in the COS Act, there would be no such repugnancy, and hence, all the relevant provisions under the IPC or Sanhita would be applicable by default. Thus, the very purpose of decriminalisation would be frustrated.

Situation-2: If section 15 is retained as a criminal offence with only fines and sections 16 to 22 are omitted from the Act as a measure of decriminalisation, then overriding effect over the provisions under the IPC or Sanhita will apply only in respect of offences covered under section 15. In case of the common criminal offences omitted, the provisions under the IPC or Sanhita would apply for sure. In such a situation, one can only say that decriminalisation has been partially achieved.

Situation-3: If section 15 is not retained as a criminal offence, but it is converted into a simple contravention to be penalised with a fine through quasi-judicial proceedings and sections 16 to 22 are omitted from the Act as measures of decriminalisation, then also there would be no common criminal offence left in the Act to override the IPC or the Bharatiya Nyaya Sanhita. Since all the relevant provisions under the IPC or Sanhita would be applicable by default, the very purpose of decriminalisation would be wholly frustrated in this case also. This is precisely the situation after the third amendment of the COS Act, as we can see in more detail in the following paragraphs.

Status of penal provisions after third amendment of the COS Act

4.27 Decriminalising various offences was the main objective of the Jan Vishwas (Amendment of Provisions) Bill, 2022, introduced by the Government in the Lok Sabha on 22nd December 2022. The Bill was referred to a Joint Committee of Parliament for scrutiny and report. Extracts of the Committee's report relevant to the COS Act are placed at pages A-222 to A-242 at Appendix-A. The Bill was passed by the Parliament in 2023 as the Jan Vishwas (Amendment of Provisions) Act, 2023 and it was brought into force in respect of the COS Act, 2008 on 10th December 2024. Details of these developments were already discussed in Chapter – 1. The major change that has been brought in, in the COS Act in respect of penal provisions is replacing the Chapter IV (comprising sections 15 to 26) in the Act with a revised Chapter IV (comprising new sections 15, 15A, 15B and 15C).

4.28 Before further examining the implications of the changes in the COS Act that have been brought in through the Jan Vishwas

(Amendment of Provisions) Act, 2023, it would be pertinent to understand the contours of the concept (Please see[2]) of decriminalisation in respect of minor offences and how to achieve it. In India, a minor offense is a less serious crime. Under the COS Act, the offences defined in Chapter IV prior to the third amendment are petty criminal offences, where the maximum punishment is up to two years of imprisonment. Hence, summary trials under the CrPC were prescribed to ensure swift justice.

4.29 Usually a blameworthy conduct is called a crime. To decriminalise such a conduct, simplest and in fact, the strictest way is to remove it from the list of offences. Thus, in a narrower sense, it is tantamount to ensuring that the law does not punish that kind of a conduct. This is not possible in the instant case, as mere removal of all offences under the COS Act, will not amount to not punishing those offences, as such offences will continue to be culpable under the IPC or the Bharatiya Nyaya Sanhita. It may not be desirable or appreciable to totally remove a blameworthy conduct from the list of offences. However, one may reach the goal of "decriminalisation" even while retaining such a conduct as an offence by introducing certain provisions in the law, which either limit or dilute the culpability of that conduct, through procedural restrictions, such as obtaining sanction of a competent authority as a prerequisite for prosecution. In such a case, the action of the offender formally continues to be an offence legally, but he may not be punished if sanction for prosecution is not granted. Thus, the purpose would be largely served without amending the law. Such a provision existed in the COS Act, 2008 in the form of section 25, which has been removed in the third amendment.

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2 http://14.139.60.116:8080/jspui/bitstream/123456789/689/5/Concept%20of%20Decriminalisation.pdf

4.30 There cannot be a difference of opinion about petty infractions that they do not constitute criminality in the true sense of the term and that they shall be punished without any imprisonment and without any deprivation of liberty. In other words, they should not be treated as crimes, and fines imposed in such cases shall be through administrative proceedings (to be called as civil fines) rather than through criminal proceedings (to be called as criminal fines). Although section 15 of the COS Act prior to its third amendment provided for imposing only fines to the offenders, since they would be levied by Criminal Courts after due process, they have to be termed as criminal fines. The persons so convicted when asked in any other context the question, whether they were convicted of a crime any time in the past? they will have to answer 'yes'. This may appear to be unreasonable, so long as the offenders are informants. Hence, there is full justification in evolving a mechanism to convert the criminal fines imposed on informants into civil fines through appropriate administrative arrangements. But can we say so in respect of other offences and other contraveners?

4.31 Other offences, as the provisions under sections 16 to 22 of the COS Act indicate, are not only more serious but are not devoid of criminal intent (*mens rea* or guilty mind). For these reasons and on the recommendations of the SCF, simple imprisonment was added in the penalties along with fines for these offences (please see details in paras – 1.11 (h) and 1.12 of Chapter – 1). For example, offences such as wilfully making false statement etc., (section 16), mutilation or defacement of information schedules (section 17), obstruction of employees (section 18), deception etc., (section 19), failure to carry out duties and functions by the employees or unauthorisedly divulging information collected under the Act (section 20), and impersonation of employees (section 21) cannot be treated either as petty infractions or those which do not constitute criminality.

Moreover, punishing such offences will enhance public trust in statistics, bring credibility to the statistical system, discourage potential wrong doers and act as a strong deterrence mechanism. These offences are also covered in the Model Statistical law given in the UN Handbook of Statistical Organization, as they are linked with the FPOS. For those offences, not imposing imprisonment or imposing only a civil fine is not justified and the provision of obtaining previous sanction for prosecution is an adequate (in fact, more than adequate) measure of decriminalisation. In the interest of collecting qualitative statistics, it would be necessary to command public trust and for that purpose, it would be necessary to cognize these offences which are criminal in the true sense of the term. These offences, even if not cognised under the COS Act, in no way facilitate ease of doing business or decongest the judicial system, as they could be cognised under the IPC or the Sanhita.

4.32 The new sections 15A, 15B and 15C which replaced sections 15 to 26 through the third amendment of the Act provide for an administrative (quasi-judicial) mechanism for disposing of cases relating to contraventions under the Act, in two stages, the first one being adjudication stage and the second one being appeal stage. The new section 15 of the Act has been modified to appear as if it has subsumed all kinds of offences relating to collection of statistics. It is reproduced below:

> "15. Penalty for neglect or refusal to supply particulars and other contraventions.— (1) Whoever fails to produce any books of account, vouchers, documents or other business records or whoever neglects or refuses to fill in and supply the particulars required in any information schedule or return given or sent to him or whoever neglects or refuses to answer any question or inquiry addressed to him as may be required

under or for the purposes of any provision of this Act or whoever acts in contravention or fails to comply with any provision of this Act or any rules made thereunder or any requirement imposed under this Act, shall be liable to penalty which may extend to one thousand rupees, and in the case of a company, with a penalty which may extend to one lakh rupees.

(2) The imposition of penalty on a person or company shall not relieve him or it of the obligations under sub-section (1), and if after the expiry of fourteen days from the date of imposition of penalty, he or it still fails to give the required particulars or continues to neglect or refuse or contravene any provision of this Act or any rules made thereunder or any requirement imposed under this Act, shall be liable to a further penalty which may extend to one thousand rupees, and in the case of a company, to a further penalty which may extend to five thousand rupees, for each day after the first during which the neglect, refusal or contravention continues."

4.33 Comparing the penal provisions before and after the third amendment to the COS Act, the following points can be observed:

(1) Concept of prosecution has been replaced by quasi-judicial penalty proceedings. Simple imprisonment has been dropped from the list of penalties and only fines in the form of civil fines (not criminal fines) with little enhancement have been introduced.

(2) The maximum fine under the old section 15 (1) was Rs.1,000 for individual informants and Rs.5,000 for informant companies. In the revised section 15 (1), the maximum fine is Rs. 1,000/- for

individual informants and non-informants and Rs. 1,00,000/- for companies, in their capacity as informants or non-informants.

(3) The maximum fine for a continuous offence after the expiry of fourteen days from the date of first conviction under section 15 (2) prior to the third amendment was Rs.1,000/- per day for individual informants and Rs.5,000 per day for informant companies. The fines under the new section 15 (2) remained the same.

(4) Interestingly, the Act after its third amendment has no provision to indicate as to who would be punished in case a company happens to be the contravener, as section 23 of the Act has been dropped in the amendment. This may be because the penalty is only a civil fine even in case of companies after amending section 15, for which the corporate veil need not be lifted.

(5) In case of failing to produce any books of account etc. or neglecting or refusing to fill in and supply the particulars required in any information schedule or return or neglecting or refusing to answer any question or inquiry, one can continue to behave in the same way even after his being penalized, for which section 15 (2) applies. In case of other contraventions, it is not clear as to how a continuity of contravention can be conceived and penalised. Will it be with reference to a direction given under section 3? This requires clarification.

(6) The words "or whoever acts in contravention or fails to comply with any provision of this Act or any rules made thereunder or any requirement imposed under this Act" have been added in section 15 (1).

4.34 An important question to be answered is – what is the interpretation of the words "acts in contravention or fails to comply with any provision" added in section 15 (1) by way of amendment? The word "contravention" means "in violation of". This means that all violations, non-compliances and failures to meet any requirement in respect of any provision of the Act or any rule have to be penalised. This requires understanding the duties laid down under the Act and the rules, in respect of different functionaries and individuals. The duties entrusted to them are as follows:

(1) Nodal officer: As per the provisions contained in sub-section (2) of section 3A of the Act, a nodal officer at the Centre or in a State / UT has to perform the duties prescribed in the rules. Under the rule 4, a nodal officer has to - maintain and update register of statistics officers, adjudicating officers and appellate authority, obtain and maintain information on availability of statistics including unit-level data from other Departments, advise other Departments on steps to improve the statistical potential of administrative records to avoid conducting separate statistical surveys to collect statistics contained or purported to be contained in such administrative records, issue instructions on promoting the sharing of statistical information including unit-level data among different Departments to avoid unnecessary duplication of programmes of collection of statistics and resolve disputes or differences of opinion among them on the issue, and submit annual reports to the nodal officer / Central Government, as the case may be. As per rule 5 (3), a nodal officer has to render advice on references received within one month to the appropriate Government.

(2) Statistics Officer: As per the provisions contained in sub-sections (4) and (6) of section 4 of the Act, a statistics officer has to appoint agencies or persons for data collection and specify the form in which

and the interval within which informants have to furnish information, in case the powers to do so have been delegated to him by the appropriate Government. Under the provisions of section 5 of the Act, he may organize data collection by different modes specified thereof. Under the provisions of sub-section (1) of section 9, a statistics officer shall for statistical purposes use any information collected in the manner prescribed in the rules. A statistics officer has to ensure that the security provisions of this Act are complied with, as provided in section 13. In case, the power to specify form etc., of information to be collected, is delegated to a statistics officer under section 4 (6), then guidelines given in rule 6 have to be followed by that officer in respect of prescribing any information schedule. A statistics officer has to oversee the entire gamut of activities prescribed in rule 9 in respect of collection of statistics. The terms, conditions and safeguards for outsourcing specified in rule 12 have to be followed, in case the power to engage an agency / person is delegated to a statistics officer under section 4 (4). A statistics officer shall perform the duties specified in rule 15 for processing of cases arising out of alleged contraventions.

(3) Informants: Under the provisions contained in section 6 of the Act as also under rule 11, informants shall furnish information sought in the manner prescribed in the rules. Every informant should allow entry into his premises to a statistics officer or a person authorised by him for collection of statistics or inspection / examination of documents, as provided under rule 14.

(4) Agency / person engaged for data collection: Every agency / person engaged in data collection shall render help and assistance and furnish information, as may be required by the concerned statistics officer or a person / agency authorised by him for the discharge of his functions, and shall make available relevant

documents for inspection and examination. Under the provisions of sub-section (1) of section 9, every agency / person engaged in data collection shall, for statistical purposes, use any information collected in the manner prescribed in the rules. Every agency / person engaged in data collection shall ensure that the security provisions of this Act are complied with, as provided in section 13. No information collected shall be disclosed except in the manner laid down in section 14 (1). Restrictions on use of personal information specified in rule 13 are also to be followed.

(5) Other persons: Nobody should compel any person having access to information collected under the Act to reveal the information, as provided in section 14 (2).

(6) Concerned officer(s) in the appropriate Government: Persons other than those engaged for collection / preparation of statistics shall not be permitted to see any information schedule or a portion of it, as provided under section 9 (2). The data in an information schedule shall not be published without suppressing the identification of informants, as provided under section 9 (3). All statistical information published shall be arranged in such a manner to maintain anonymity of informants as provided under section 9 (4). Under rule 5, they should consult the concerned nodal officer to avoid unnecessary duplication before launching data collection. On receipt of advice of nodal officer, they should communicate disagreement, if any, within 15 days prior to issuing direction for collection of statistics under section 3 as per the same rule. The guidelines given in rule 6 have to be followed in prescribing any information schedule. He shall maintain a record of statistics officers, adjudicating officers and appellate authorities in respect of their appointment, their terms and geographical areas for which they have been appointed, as required under rule 8. They should

furnish list of informants and other information available with them, relevant for conducting any statistical survey, to other Departments upon receipt of a request to that effect, as provided in rule 10. The terms, conditions and safeguards for outsourcing specified in rule 12 have to be followed. The concerned officer in the appropriate Government has to provide access to an informant to the information collected from that informant through proper retrieval system and keep the data and records in safe custody as required under rule 16.

(7) Adjudicating officer: An adjudicating officer has to conduct inquiries and impose penalties in the manner provided under section 15A and rules 15A and 15AA.

(8) Appellate authority: An appellate authority has to dispose off appeals in the manner provided under section 15B and in the rule 15B.

(9) Police, para-military and armed forces: They shall provide assistance as would be required by the concerned statistics officer under rule 10 (3) in cases of collection of statistics in disturbed areas.

4.35 Contraventions and penalties have been prescribed under section 15 of the Act. The contraventions specified in the Act are:

(1) Failing to produce any books of account, vouchers, documents or other business records
(2) Neglecting or refusing to fill in and supply the particulars required in any information schedule or return
(3) Neglecting or refusing to answer any question or inquiry addressed

(4) Acting in contravention or failing to comply with any provision of this Act or any rules made thereunder or any requirement imposed under this Act

(5) Even after the expiry of fourteen days from the date of imposition of penalty, failing to give the required particulars or continuing to neglect or refuse

(6) Even after the expiry of fourteen days from the date of imposition of penalty, continuing to contravene any provision of this Act or any rules made thereunder or any requirement imposed under this Act

4.36 The duties mentioned above in points nos. 1, 2, 3 and 5 will be mostly applicable to informants, whereas the rest of the contraventions would mostly apply to persons, other than informants, including agencies / persons engaged for data collection, nodal officers, statistics officers, adjudicating officers and appellate authorities. Failure to perform the above duties results in contraventions. Penalties to be imposed for contraventions, after following due procedures are laid down in section 15 of the Act.

4.37 Another issue which needs to be understood is about the offences covered under sections 16 to 22 of the Act prior to its third amendment. Have they continued as offences after amendment? The answer is 'No', because the word "punishable" has been substituted with "liable" and "fine" has been converted to "penalty" under section 15 (1). In other words, they have been treated as petty infractions not amounting to crimes after the third amendment. After instituting penalty proceedings, such contraventions will be penalised with civil fines. This may sound well and may give us the satisfaction of achieving decriminalisation. But, if we look at the implications more deeply, we may not conclude in this way.

4.38 For example, if a person employed in collection of statistics under the Act discloses those statistics unauthorisedly in violation of the provisions given under section 14, on the first conviction, he would be let off with a penalty of Rs.1,000/- (that is the maximum). If the contravention continues beyond 14 days after the first conviction, he would be let off with a further penalty of Rs.1,000/- per day. By mere reading of these implications, one would appreciate how ridiculous and non-palatable it would be for an informant to accept this kind of a situation before he furnishes information. If this is permitted, some of the large industrial units competing in business may try all unfair means to get data of their respective competitors by luring concerned employees, as the penalty is a very small amount of civil fine for them. Will it not infringe on the secrecy and confidentiality of data and in turn, destroy or reduce public trust in statistics, which again in turn would be against the spirit of FPOS, formally adopted by the Government? Even while debating on the COS Bill, 1952 in the Parliament way back in the year 1953, it was observed that divulging information improperly by the persons in charge of statistics should certainly be made punishable (please see para – 1.3 in Chapter – 1).

4.39 In the case of the two types of offences covered within the ambit of revised section 15 (1), still there remains some ambiguity as to what constitutes a continuous offence to be understood in the context of revised section 15 (2). Of the eight categories of functionaries other than informants whose duties have been summarised above, what could have been the legislative intent for their culpability which merits to be penalised under section 15 (2). Supposing a nodal officer fails to submit his annual report, it is a contravention which attracts section 15 (1). After being penalised, if he continues to neglect submission of his report for the same period,

then the penalty under section 15 (2) would be attracted. Can this logic be extended to other functionaries? If the answer is 'yes', will that be in respect of one direction under section 3 of the Act wherever relevant or will it apply over all such directions? If it applies over all the directions issued from time to time under section 3, what kind of records have to be maintained to cognise such contraventions and who would be responsible to maintain the relevant records? For example, if an employ makes an unauthorised disclosure of certain information, he would be penalised under section 15 (1). Later, if he makes an unauthorised disclosure of some other information, will it be treated as a fresh offence under section 15 (1) or will it be treated as a continuous offence under section 15 (2)? The third amendment to the Act and the Rules of 2024 made after that amendment are silent on these aspects.

4.40 Prior to the third amendment of the Act, all the contraventions given in Chapter IV of the Act were criminal offences and the provisions really had an overriding effect over other laws such as the Bharatiya Nyaya Sanhita (earlier IPC), in view of section 32 of the Act. After the third amendment, the contraventions are no longer treated as criminal offences and hence, the provisions do not override those under the Bharatiya Nyaya Sanhita due to lack of repugnancy between the two laws on criminal offences. In other words, along with penalty proceedings under the amended Chapter IV of the Act, one can initiate criminal proceedings in respect of the same contraventions under the Sanhita. It is a well settled legal position that civil and criminal proceedings can run simultaneously for the same set of facts, as long as the criminal case discloses criminal intent. Moreover, there is no provision in the COS Act, 2008 which prevents treating the contraventions given in section 15 as criminal offences under the Sanhita. This being so, the very

objective of the third amendment, namely, decriminalisation, has been defeated.

4.41 Although the COS Act is silent on preventing the applicability of the Sanhita, the COS Rules, 2024 perhaps clarified the position to some extent in respect of non-informants, through the provision in rule 15 (5) of the COS Rules, 2024, which is reproduced below:

> "In case of persons other than an informant who act in contravention of provisions under the Act, appropriate Government may, if it considers necessary, initiate independent proceedings as per the rules applicable to the nature of the alleged contraventions reported upon in respect of provisions of the Act."

4.42 What is the meaning of "independent proceedings" given in the above provision? It was neither expressly given nor enabled in the Act. The Parliamentary Committee on Sub-ordinate Legislation may, at some point of time in the future, look into this provision in detail and assess whether it is within the scope delegated by the Parliament in the principal Act. Be that as it may, plain reading of the above provisions may give an impression to a common man that it is a hidden agenda. As is normally understood, a statute may provide for separate proceedings that are independent of the one directly provided by it. For example, in case Government officials commit offences or contraventions, they may be proceeded against not only under the relevant law but also departmentally. In such cases, there won't be any double jeopardy, as the cause of action would be the actual offence or contravention under the relevant law and it will be 'misconduct' under the departmental proceedings. Similarly, there could be cases where civil suits and criminal proceedings run simultaneously based on the same set of facts, one

to adjudicate on the civil consequences of the wrongs committed and the other on the criminal intent in doing so. The position resulting from the third amendment is exactly on these lines. The two types of proceedings are independent of each other.

4.43 In the current context of the COS Act, since sections 16 to 22 of the Act have been omitted through amendment, the contraventions covered thereof could be processed for imposing civil fines and where the persons involved are non-informants, they may be proceeded independently as per rule 15 (5) of the rules. Such independent proceedings may be under the Bharatiya Nyaya Sanhita, 2023 or may be departmentally or both (in case of Government officials). The intention behind making such a provision under rule 15 (5) may be construed as appearing to take away "criminality" with one hand through amendment of the Act and introducing it with another through this provision under the rules. As already stated, even without this provision, criminal proceedings may be initiated against all offenders under the Sanhita. But the provision under rule 15 (5) only protects informants from being proceeded against. Can this be construed as a proper classification criterion for being protected? For example, if an informant is involved in mutilation or defacement of information schedules or obstruction of employees, he would be let off with a fine (civil). However, if a non-informant commits the same offence, independent proceedings (at times under the Bharatiya Nyaya Sanhita) may be instituted against him. Will this position stand legal scrutiny under article 14 of the Constitution? Because of these reasons, we may have to conclude that the basic objective of decriminalisation of the Act has not been fulfilled. It may be argued that by using the provisions of the COS Act for sufficiently longer time, one may gradually forget or ignore the relevant provisions under the Sanhita and through this process, the objective of

decriminalisation would be fulfilled. This is a mere assumption or expectation, which do not stand legal scrutiny. Moreover, decriminalisation is such a noble agenda, which cannot be left to be fulfilled only through surmises, assumptions and ignorance.

4.44 For the contraventions / offences by non-informants under the COS Act, such as wilfully making false statement or mutilation or defacement of information schedules or unauthorisedly divulging information collected, rule 15 (5) permits initiation of independent proceedings, which at times may be under the Bharatiya Nyaya Sanhita. This may require using the relevant information schedule(s) as evidence in the proceedings. Such usage is not permissible as per the provisions under section 14 of the Act. Hence, there is an inherent contradiction in these provisions, which need to be carefully considered by the Government.

4.45 The COS Act, 2008 basically is intended to enable collection of statistics in the Government at all levels. Along with this, the third amendment added one more dimension, i.e. empowering officers engaged to exercise powers under the Act to impose fines on informants and other contraveners under Chapter IV of the Act. In a highly decentralised setup, enabling implementation of the law by many offices in a large country like India, that too without having an authority to administer the law centrally, may encourage a few officers to exploit or extort some persons for illegal gratification by threating them. Another aspect which pricks our mind is as to how the persons within or outside the Government, who may be engaged in different capacities for collection of statistics under the Act (other than informants) and who would be either handling cases of contraventions or who would be close to the persons who handle such cases, can be expected to bring or allow to bring their own contraventions or of those of persons close to them, to book. Can

anybody be a judge in his own case? Even if the Government claims that it will punish its own employees if they happen to be the contraveners, will the public believe that statement. In particular, if a nodal officer or a statistics officer or an adjudicating officer or an appellate authority, who was at the helm of affairs during the process of collection of statistics, happens to be the contravener, will he be subject to due process without any favouritism? None including those working in the Government would believe this in the affirmative.

4.46 All this may create suspicion and fear among officials working in the Government who are expected to collect statistics under the provisions of the COS Act and among the private agencies who may be engaged for the purpose. Among the enactments amended by the Jan Vishwas (Amendment of Provisions) Act, 2023 for decriminalising and rationalising offences, only one statistical law is finding place and that is the COS Act, 2008. The other two statistical statutes, namely, the Census Act and the RBD Act did not find place in that list. As such those two laws continue to have provisions on criminal offences and penalties. Similarities in the penal provisions can be seen among the Model Statistical Act, the Census Act, the RBD Act and the COS Act prior to its third amendment. The COS Act has become dissimilar after its third amendment.

4.47 It was categorically stated by the Joint Committee of Parliament in their report on the Jan Vishwas (Amendment of Provisions) Bill, 2022 that the representatives of the MOSPI sought omission of sections 16 to 22 of the COS Act. We have seen the implications of it in the above paragraphs. There cannot be a second opinion on the culpability of the criminal offences given under sections 16 to 22 of the COS Act (prior to its third amendment) and decriminalising them will in no way facilitate ease of doing business

by any stretch of imagination. In fact, punishing those offenders (informants as well as others) will earn good will and credibility enormously to the appropriate Government and the statistical system. However, there is scope for further decriminalisation of the offences given under section 15 of the COS Act (prior to its third amendment) in respect of erring informants. The Act provides for imposition of fines (criminal fines) after prosecution in a criminal court for those offences. Instead of subjecting them to criminal fines, it is better to provide for compounding such offences to convert the fines into civil fines which will give an opportunity for the informants to save themselves from being convicted in criminal courts. As is well known, the class of informants comprises large and small businesses, service providers and households. Their getting away from being convicted in a criminal court of a minor offence of not furnishing information under section 15 by paying the specified fine will greatly relieve them from embarrassment and disreputation and a provision in the Act which gives effect to such an arrangement will facilitate ease of doing business. In other words, instead of several changes carried out in the third amendment, which led to failure in achieving the objective of decriminalisation, it would have been better to make only one change of inserting a provision on compounding, empowering statistics officers to do so in respect of erring informants under section 15 (similar to the provisions under section 24 of the RBD Act). In this case, there would be no need to replace Chapter IV of the Act. Other changes made through the third amendment also will be unnecessary. By inserting at an appropriate place in the COS Act a simple provision on compounding offences, which enables, without disturbing the criminal nature of offences given under Chapter IV of the Act, discharging the offenders (informants) either before or after the institution of criminal proceedings on payment of prescribed fine, will achieve the goal of decriminalisation. For other offences, reduction in punishments

compared to the IPC or the Bharatiya Nyaya Sanhita and requirement of obtaining sanction for prosecution are more than adequate. Hence, in view of what has been stated above, the third amendment to the Act and corresponding changes made in the rules in respect of contraventions merit reconsideration by the Government.

Chapter – 5

Manner of implementation

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5.1 Government collects statistics through statistical surveys. The types of statistical surveys that are normally carried out in the Indian Statistical System are as follows:

(a) Censuses or complete enumerations (usually carried out once in five or ten years) where data is collected from all the informants in the target population

(b) Sample surveys (usually carried out annually or once in three to five years) where data is collected from selected informants in the target population

(c) Price/ production/ employment data collection surveys conducted more frequently (say, once in a week/ fortnight/ month/ quarter) where data is collected from selected informants in the target population repeatedly as per the required periodicity

5.2 The statistical surveys could be record based or through interviewing informants. Record based surveys are conducted in case of businesses, where statutorily prescribed records are maintained by the concerned entrepreneurs. Where records are not expected to be maintained and where the informants can furnish information related to their activities (without much recall lapse), interview / questionnaire-based surveys are conducted. At times, statistical surveys may be conducted by observation or measurement method like those conducted in agricultural / rain fall/ environmental pollution surveys.

5.3 Reference period for data collection may be in the past or in the future. For example, data may be sought from a business in respect of the latest financial year or from a household in respect of the last 30 days. At times, data may be sought from a business or a household in respect of next 30 days or next calendar month. For example, expected purchasing behaviour or demand may be surveyed with a reference period in the future. Another example could be to ask the selected households to note down their consumption and expenditure details for the next one month and report thereafter. A reference period may not be the same throughout the survey period and for all the informants. At times, it may be a moving reference period. For example, if a survey is conducted to study household consumption over a period of one year, the reference period could be last 30 days for each household as and when it gets surveyed during the survey period. In such a situation, reference period varies from household to household during the survey period of one year.

5.4 Depending on the context and nature of informants, data collection can be carried out in the following ways:

(1) A notice may be served to informants asking them to furnish information in the prescribed format by a certain date to a particular office(r) [details may be given in/ enclosed to the notice]. In cases where it is proposed to collect data through tele fax or e-mail or in any other electronic mode, such as web portal, such details should be mentioned in the notice.

(2) In some cases, it may be considered necessary to leave a copy of the prescribed format with informants and ask them to fill it up. If that is the case, the notice issued to informants should specify the instructions for filling up each item in the format along with the date by which it should be submitted to a

particular office(r) or the date by which an authorised officer will collect the filled-in format from them.

(3) In case information is to be collected through interviews, the fact should be indicated in the notice along with details of date and time of the interview either in person or through telephone and name(s) of authorised officer(s) who would be seeking information by asking questions.

(4) For issuing notices, addresses of informants would be required and, in most cases, the data collectors will not have them. In such cases, the data collectors may go house to house, obtain contact and other preliminary details from each house and issue to the selected informants notices for furnishing detailed information. If all the households in an area have to be surveyed, then a pamphlet may be prepared giving details of the survey and distributed to them. The pamphlets may be pasted on notice boards located in common places and may also be publicised through Newspapers and media.

5.5 All or any of the above four methods or some other method may be used in any statistical survey, as the requirement demands. In case of repetitive periodic surveys from the same set of informants, the fact may be mentioned in the notice indicating the periodicity. Only one notice would suffice in such cases, and there is no need to issue fresh notice every time the data is to be collected from the same set of informants. Thus, in repetitive surveys (such as, price collection surveys and the census sector in Annual Survey of Industries), where information is to be sought in the prescribed format repeatedly from the same set of informants every week or month or quarter or year, it would be sufficient to issue only one notice to the concerned informants stating the requirement of furnishing information at different points of time.

5.6 Notices may be issued to informants by post/ courier or by e-mail or in person. Notices need not always be issued by or under the signature of statistics officers. The Act provides that statistics officers may also cause notices to be issued to informants. Hence, under instructions/ authorisation from statistics officers, the data collectors or other authorised officers may also issue notices to informants.

5.7 Often, in field operations, it is felt that notices could be issued only in cases where addresses (or E-mail IDs) of informants are available in the office of statistics officer or agency. The Act, by itself, does not provide for this limitation. In case of statistical surveys, where addresses of informants are not available, but their location is known, the option available is to get notices seeking information issued by hand through authorised persons (may be data collectors) to the informants.

5.8 There are surveys, such as the National Sample Surveys, where the data collection agency does not have prior knowledge of informants until a particular stage of the survey has been reached. That stage usually is the stage at which the list of households/ establishments of an area (say, a village or urban block) becomes available, from which a sample may be drawn. If it is known that the concerned local authority or any other office is in possession of a usable list, it may be obtained from that authority/ office by placing a request to the authority under rule 10 of the rules. In case this option is not available, the agency has to get a list prepared by orally interviewing the heads or other persons in the households/ establishments residing in the area. For this purpose, some minor information has to be collected from them. This can also be done under the provisions of the Act by causing a notice issued to each household by hand. In the notice, it may be mentioned that information will be collected through interviewing. It may also be mentioned in the notice that some more information will be collected later, if a household/ establishment gets selected for more detailed survey. Otherwise, if it is decided that the

provisions of the Act may not be applied for collecting information at the listing stage, it may be collected on voluntary basis. After obtaining the list, the households/ establishments to be further surveyed may be selected. Each of the selected ones may be issued a notice indicating the manner in which data would be collected from them.

5.9 In case, data is collected through interviewing, the information collected may be read out / shown to the informant for his / her confirmation. Where possible, the interview may be recorded. In case, information is collected on electronic media in the field while interviewing, an undertaking that the information has been read out / shown to him/ her and that the information is true to the best of knowledge of the informant may be separately obtained from him/ her. If data is recorded on paper in the field while interviewing, the undertaking along with signature / thumb impression of informant may be obtained on it.

5.10 The steps given below may be followed by appropriate Government and other functionaries in implementation of the provisions of the COS Act and the Rules, in respect of statistical surveys (census or sample surveys):

Step 1: The appropriate Government should take a prima facie view on the subject matter on which it requires statistics (description of list of indicators, data).

Step 2: The appropriate Government should find out whether statistics required by it is already available with it (in one of its divisions) or with any other Department at the Centre or with the States/ UTs. If available, the same may be obtained and used.

Step 3: If statistics required are not available or available but dated or available but not in such detail as required (as per step 2), the

appropriate Government should decide on whether it has jurisdiction (constitutional/ administrative) to collect the statistics.

Step 4: If jurisdictional issue is decided in the affirmative (as per step 3), the appropriate Government has to formulate a detailed proposal on the format in which data has to be collected and consult the nodal officer concerned on avoiding unnecessary duplication as per rule 5 of the Rules and on including the requirements of other Government Departments as per rule 6 of the Rules.

Step 5: The nodal officer has to tender his advice within one month to the appropriate Government.

Step 6: If the nodal officer advises that the proposal is tantamount to duplication, then the appropriate Government may decide not to proceed further on the proposal.

Step 7: In case the nodal officer agrees with the proposal or in case the advice of nodal officer that the proposal is tantamount to duplication is not acceptable, then the appropriate Government may proceed further on the proposal. Reasons for disagreement with the advice of nodal officer must be communicated to the nodal officer within fifteen days prior to issuing notification under section 3 of the Act.

Step 8: The appropriate Government has to issue a direction for collection of statistics, as per section 3 of the Act and rule 5 (5) of the Rules. A copy of the notification shall be forwarded to the nodal officer.

Step 9: The appropriate Government has to appoint, as per section 4 of the Act, statistics officer(s) and agency or persons to take, or aid

in, or supervise the collection of the statistics directed by it. The power of appointing agency or persons may be delegated to statistics officer. The appointment has to be notified as per rule 7 of the Rules.

Step 10: The statistics officer shall exercise powers delegated to him (step 9) and other powers, particularly those under sections 5 and 8 of the Act and rules 5, 6, 9, 10, 14 and 15 of the Rules. He may authorise persons as required under section 8 for collection of statistics.

Step 11: The data collection may be carried out by the agency/ persons engaged for the purpose, in accordance with the provisions given in sections 5 and 8 of the Act and rules 6, 9, 12 and 13 of the Rules.

Step 12: The data collected may be stored and disseminated subject to the restrictions given in sections 9 to 14 of the Act and rule 16 of the Rules.

Step-13: The statistics officer or the appropriate Government, as the case may be, may process cases of contravention as provided in rule 15 and forward to the adjudicating officer (appointed by the appropriate Government) for determining the penalty or otherwise, as provided under rules 15A and 15AA.

Step-14: The appellate authority (appointed by the appropriate Government) shall consider and dispose off appeals, as provided under rule 15B.

5.11 For maintaining an effective Management Information System for implementation of the provisions under the COS Act and the Rules, the

following records may usually be maintained by the concerned functionaries, as may be applicable and required by them:

1) Order of appointment of nodal officer under rule 3 of the Rules
2) Instructions/ advice issued by nodal officer rule 4 of the Rules
3) Correspondence between appropriate Government and nodal officer under rule 5 of the Rules
4) Notifications issued by appropriate Government under sections 3 and 4 of the Act and rules 5 and 7 of the Rules
5) List of statistics officers, agencies and persons engaged, adjudicating officers and appellate authorities along with their addresses/ contact details in Form-II and the undertakings obtained from them in Form-I
6) Instructions, if any, issued under rule 13
7) Instructions/ authorisations issued by statistics officer under rules 9, 12 and 14 of the Rules
8) Correspondence made under rule 10 of the Rules
9) Outsourcing contracts made as per rule 12 of the Rules
10) Names, addresses and contact details of informants or their authorised representatives, where required
11) Office copies of notices issued to informants and acknowledgements received from them
12) List of informants who did not submit information in time or refused to furnish information or furnished false information or denied access to relevant documents or denied entry into premises
13) List of informants who did not submit information in time even after conviction under section 15 (1) of the Act
14) Complaints/ representations received from any quarters
15) Office copies of show cause notices issued to informants/ others and acknowledgements received from them
16) Replies to show cause notices received from informants

17) Appeals received in Form-III
18) Office copies of orders issued from time to time by adjudicating officers/ appellate authorities / appropriate Government
19) Names, addresses/ contact details of courts, police stations and Government advocates/ counsels
20) Status of disposal of cases and depositing of fines
21) Details of storage and dissemination of data collected

5.12 Statistics is collected in the Government to facilitate policy formulation and well-informed debates. The more the collected statistics would be close to facts and truth, the more they would be useful for these purposes. People who are not in the Government would be sceptical about the utility of statistics collected from them. More often they tend to believe that statistics collected from them may be used against them. Official statisticians normally expect that informants, without any inhibitions or misconceptions, should always furnish only true information to them. But, how to promote this on the ground? How to make the informants believe that the information received by statisticians (unlike the administrative authorities) would be used only for statistical purposes. Any statistics law has to address these challenges and make appropriate provisions to enhance public trust not only in statistics but also in these commitments.

5.13 With the afore-mentioned objectives, the COS Act, 2008 facilitates the collection of statistics on economic, demographic, social, scientific and environmental aspects in the Government setup. Most of the data collection is done through statistical surveys. The word "statistics" as defined in the Act includes a whole gamut of activities such as collecting, processing, classifying, summarising and using statistics for statistical analysis. Hence, the provisions of the Act extend to not only data collection in the field but also to all these activities.

5.14 Despite having such a comprehensive law as the COS Act, Government Departments often tend to prefer carrying out data collection activities on a voluntary basis for a variety of reasons, such as –

(1) carrying out data collection without subjecting themselves to any conditions or constraints like secrecy and confidentiality of data, not using data for non-statistical purposes etc., or

(2) keeping themselves somewhat free from the risks of contravening any legal provision, or

(3) not willing to take so many steps as laid down in the law because of paucity of time or lack of appreciation, or heavy reluctance.

5.15 Whatever be the reason, the very fact that data collection will be on voluntary basis creates a kind of apathy among all. Everybody will take it casually. The data provider will not bother to give correct data to the best of his knowledge and belief. The data collector will not bother to probe in detail to elicit correct information from the informants. The custodians of data will not care to keep the data confidential. They will not prevent the data being used for other purposes. On the other hand, they would be very prompt in telling the public that the data is confidential, may be to protect themselves from any negligent acts in collection of statistics. In other words, under the guise of confidentiality, they would self-certify on the quality of data without allowing any individual even to look at his own data. All this has been creating a kind of chaos by which public trust on statistics is at stake. In any case, collecting data on voluntary basis deprives informants of many of their rights, including the use of the data collected from them only for statistical purposes.

5.16 If one understands the Fundamental Principles of Official Statistics (FPOS), one must go for statutory collection of statistics under the COS

Act, 2008, which ensures our conforming to the FPOS. The manner in which the COS Act and the rules made thereunder uphold the spirit of FPOS has been indicated in the following paragraphs.

5.17 Principle-1 of the FPOS states – "Official statistics provide an indispensable element in the information system of a democratic society, serving the Government, the economy and the public with data about the economic, demographic, social and environmental situation. To this end, official statistics that meet the test of practical utility are to be compiled and made available on an impartial basis by official statistical agencies to honour citizens' entitlement to public information.". The COS Act has got appropriate provisions to achieve these objectives. While the preamble and section 3 of the Act lay down the broad contours of data collection, the powers and duties of different functionaries and the informants given in the Act and the rules on collection of statistics to uphold the citizens' entitlement to impartial information on different aspects effecting public life conform to the Principle-1.

5.18 Principle-2 of the FPOS states – "To retain trust in official statistics, the statistical agencies need to decide according to strictly professional considerations, including scientific principles and professional ethics, on the methods and procedures for the collection, processing, storage and presentation of statistical data.". The provisions under Chapter III of the Act on conditions for disclosure and restrictions on use of statistics collected uphold the objectives of Principle-2.

5.19 Principle-5 of the FPOS states – "Data for statistical purposes may be drawn from all types of sources, be they statistical surveys or administrative records. Statistical agencies are to choose the source with regard to quality, timeliness, costs and the burden on Respondents.". The powers and functions of the nodal officer given under the COS Act and the rules, in particular, those on avoiding unnecessary duplication and on

enhancing statistical potential of administrative records are towards achieving the objectives given in Principle-5.

5.20 Principle-6 of the FPOS states – "Individual data collected by statistical agencies for statistical compilation, whether they refer to natural or legal persons, are to be strictly confidential and used exclusively for statistical purposes.". The provisions under chapter III of the COS Act are intended to protect individual data from being used for purposes other than statistical purposes, keeping in view the spirit of Principle-6. The restrictions on use of personal information given under rule 13 also support this cause.

5.21 Principle-7 of the FPOS states – "The laws, regulations and measures under which the statistical systems operate are to be made public.". The provisions in Chapter II of the COS Act which lay down rights and duties in respect of collection of statistics, the provisions in Chapter III of the Act which specify restrictions on the use of such statistics, and the different provisions given under the Chapters IV and VI of the Act, especially those under the sections 15, 15A, 15B and 15C, on penalties and adjudication and other related aspects, indicate in very clear cut terms the manner in which the law operates in respect of collection of statistics. Corresponding supporting provisions can be seen in the COS Rules, 2024. Except the provision under rule 15 (5), other provisions in the rules are very clear. Lack of clarity in rule 15 (5) may perhaps be against the spirit of Principle-7 of the FPOS.

5.22 It may appear on the face of it that collecting data under the COS Act is tantamount to using some force over the public for eliciting information. But if we look at it carefully, we will realise that it is nothing but honouring the rights of the public, such as the right to information (as statistics collected would be used as a public good), right to privacy and confidentiality, and right of protection from data being used in any

proceedings. Above all, it gives confidence to informants that data collection, when it is done under the COS Act, is being done for genuine purposes by authorised persons in a user-friendly manner. Every attempt should be made by Government Departments to promote this confidence among the public, through periodical sensitisation or familiarisation programs. So long as all the persons involved in collection of statistics (informants or non-informants) perform their assigned duties / roles honestly, they need not worry about the penal provisions in the COS Act. Hence, the attention of Government Departments and the persons engaged by them for collection of statistics should be on faithfully performing their assigned functions under the COS Act and conduct all kinds of statistical surveys under the Act. In case any contravention is noticed, the matter may be reported to the statistics officer or the appropriate Government, as the case may be, and thereafter, the matter may be left to them. All the persons within and outside the Government whenever they are called upon to perform any duty or fulfil an obligation under the COS Act shall feel extremely happy because it is a national duty and extend all cooperation for making the program a success.

Appendix-A

Lok Sabha Debate dated 5-8-1953 on the Collection of Statistics Bill, 1952

first class magistrates. How much law he knows it is for those who appoint him. I am afraid, my hon. friend has not caught the implication. If his amendment is pursued and is accepted it will mean a reflection upon our honorary magistrates. There are many honorary magistrates, with perfect competence, who are doing their job without any stipend, we should encourage that type of institution. I sympathise with my hon. friend but his remedy lies elsewhere.

Shri Raghunath Singh: I am not pressing it.

Mr. Deputy-Speaker: The question is:

"That clause 10 stand part of the Bill."

The motion was adopted.

Clause 10 *was added to the Bill.*

Clauses 11 *and* 12 *were added to the Bill.*

Clause 1.— (*Short title etc.*)

Amendment made: In page 1, line 3.

for "1952" substitute "1953".

—[Shri Karmarkar]

Mr. Deputy-Speaker: The question is:

"That clause 1, as amended, stand part of the Bill."

The motion was adopted.

Clause 1, *as amended, was added to the Bill.*

The Title and the Enacting Formula were added to the Bill.

1 P.M.

Shri Karmarkar: I beg to move:

"That the Bill, as amended, be passed."

Mr. Deputy-Speaker: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

COLLECTION OF STATISTICS BILL

The Minister of Commerce (Shri Karmarkar): I beg to move:

"That the Bill to facilitate the collection of statistics of certain kinds relating to industries, trade and commerce, be taken into consideration."

As hon. Members are aware, in respect of a part of the field covered by the Bill, industrial statistics, there is already a statute on the Statute Book, the Industrial Statistics Act of 1942. In a controlled economy like ours, at present, accurate statistics become the basis of all correct conclusions. Unless we have the right sort of data, we cannot find a proper solution for many of the problems and the collection of such statistics has to be from the whole of the economic field, including both industry, commerce and trade. There is a very close relationship between industry and commerce. We cannot be content with having powers to collect industrial statistics without also attending to commercial statistics. No doubt, we have at the moment various sources from which we collect our statistics, statistics of foreign trade, for instance. We want power, naturally, to be in a position to collect statistics of the whole field of commerce and industry and any proper action by the Government could only be taken on the basis of proper statistics. It will not only be helpful to us in matters of legislation, but also in executive action.

For instance, we had a small difficulty recently. I may cite one instance only where the necessity for an Act of this kind was felt. Last year Government issued a notification, as this House is aware, calling upon commercial undertakings to furnish statistics regarding Indian and foreign nationals employed by them. Some of the firms did not respond to the request, though by and large a majority of the firms did respond. That was an anomalous position. Such statistics could not be considered as

[Shri Karmarkar]

complete. Unless we have the powers to do so, we cannot always be sure that correct statistics have been compiled. It is felt therefore that Government should have powers to call for any statistical information required by them from all firms engaged in trade and industry in the country. As I said, there is already a statute on the Statute Book. This Bill will replace the Industrial Statistics Act of 1942. That Act empowers the Provincial Governments to collect statistics only with regard to factories. The Bill now before the House is wider in scope and gives powers to the Central Government as well as the State Governments to collect statistics with regard to any matter concerning any industry or class of industries, commercial or industrial concerns including factories, relating to welfare of labour and conditions of labour, etc. In other respects, this Bill clearly follows the pattern of the Industrial Statistics Act of 1942 which has well stood the test of time. The appropriate Government will make the necessary rules under clause 14 of the Bill, for the purpose of carrying out the objects of this Bill. Clause 12 gives power to the Central Government to give direction to the State Governments as to the carrying into execution of this Act in the States.

I do not propose to take the time of the House by dilating on the details of the provisions of the Bill, as the pattern of this Bill follows closely the pattern of the old Act. Similar powers are being sought. The principal change being made is that the field of our enquiry and collection of statistics is sought to be enlarged. I need not take the time of the House by stressing the importance of such statistics. In modern economic life, as the House is doubtless aware, statistic are the fountain source of correct governmental and public action. For instance, in the U.S.A., weekly or fortnightly—I forget which it is—statistics are available regarding the retail sales in the case of a specified product in the whole of the country. Development to that extent may not be possible in our country; but, to the extent possible, we should have powers to make as large an effort as possible for the collection of proper statistics in respect of industry, commerce and trade. In view of the fact that the measure is a very simple one, the advisability of which is very patent in the economic interests of the country, I do not propose to dilate any further and I commend the Bill for the acceptance of the House.

Mr. Deputy-Speaker: Motion moved:

> "That the Bill to facilitate the collection of statistics of certain kinds relating to industries, trade and commerce, be taken into consideration."

Shri N. C. Chatterjee (Hooghly): Last year the Commerce Ministry took some steps in the right direction although they were not strong enough. On the eve of India's Independence, there was a feeling both among Indian firms and among foreign companies operating in this country that in the new dispensation there would be more indianisation of the executives, who are operating or functioning in British or European firms. Unfortunately, after 1949 there has been a very great disappointment. Not only there has been no progressive Indianisation but there has been reverse of Indianisation or if I may say so, de-indianisation. There has been an influx from other countries of British personnel who have been ejected from places like the oil installations in Persia and from China under the new regime. Burma and Ceylon have closed their doors to foreign commercial personnel, excepting genuine technicians and these foreigners came to India. The result was victimisation of unfortunate Indians, who have been working in responsible positions. During the last war, as you know and as many hon. Members know, many non-Indian executives had been conscripted and Indians were given a chance to justify themselves and responsible per-

sons justified the choice. Unfortunately in Independent India foreign firms are not dealing fairly with the Indian executives. Last year when the hon. Minister was in Calcutta, I had the opportunity of discussing this matter with some of the men affected and I issued a statement along with my hon. friend Prof. Hiren Mukerjee. I also forwarded a copy of the statement to the hon. Minister requesting him to do something to improve the position of Indian executives in foreign firms. I also pointed out that the questionnaire issued was not good enough and I requested that an enquiry should be made. I found that a gentleman who was a Britisher and who had been serving in China had written a letter to the *Amrita Bazar Patrika* as follows:

> "I hope that New Delhi and 'Clive Street' will give the statement the attention it deserves. Indo-British cordiality must not only be preserved but strengthened. In its own interests, and also those of Britain, the Government of India should look into this matter and restrain, if necessary, those British concerns, who, with their shortsighted policies of discrimination, are neglecting the interests of the Commonwealth of which our two countries are equal members, and also the interests of what is left of the free world."

If you will look into the statement of Objects and Reasons you will find that in para. (2) the hon. Minister himself says:

> "Recently, in order to assess the extent to which foreign owned and controlled firms engaged Indians and foreign nationals, a notification calling upon all undertakings to furnish the statistics was issued.....The response to the notification has not, however, been very satisfactory."

This Bill is, therefore, welcome and I want it to be put on the Statute Book. But the Statute should not remain a dead letter. Powers taken should be used firmly, and powers should be utilised also for the purpose of redressing victimisation and preventing discrimination against Indians.

The hon. Minister who has just spoken has told us that not only has the response been not satisfactory, but some of the firms did not even respond, they non-co-operated with the Government. They have a guilty conscience, that is, why they did not do it. You will be surprised to know that a Chamber of Commerce functioning in Calcutta sent round a circular to the different firms operating in Calcutta and in Bengal and tried to help them in answering the questionnaire so as to avoid the real issue. Therefore, it is a very important matter. It is a matter which is of first class national importance. We can never build up a free India unless we train up young men and save them from despondency, save them from demoralization, and rescue them from unfair treatment. It is vital that all conditions that foster any kind of inferiority complex should be stopped and should be changed, and anything which deadens initiative should also be stopped. Anything which drains the power of resourcefulness should also be checkmated. We want that this Bill, which is on the right lines, should enable the Government to get the powers to make the firms submit correct returns and give the answers which the Government needs, and give correct data about the Indian executives, the unfortunate people who are serving in these firms.

You will be amazed to know that in one British firm which is operating in India today, the General Manager dismissed a responsible Indian, and gave a testimonial to him. The testimonial is to this effect:

> "Although this gentleman's services were excellent, his engagement had to be terminated in order to make room for a newly engaged European from the United Kingdom."

That was the certificate—not that he was not needed, not that the post

[Shri N. C. Chatterjee]

was not needed for the concern, but because somebody from a foreign country had come. And it is an amazing thing in Calcutta—I take it in Bombay also it is happening—that raw youths are being recruited, and they work under senior Indians for a few months, or may be a year, and immediately after that they supersede the Indians under whom they were serving, and that leads to a great deal of heart burning. These things are happening.

There is also discrimination with regard to emoluments and other amenities, and these things ought to be looked into. The hon. Minister took the right step in getting at the necessary data to put pressure and to do something. Some people snapped their fingers at him, and that is why this Bill is necessary. It is very vital for redressing this very unsatisfactory situation, and we welcome it. We are simply appealing that it should not be merely taking up of power. They should exercise the power.

I shall make more detailed submission when the clauses come. For example, in regard to clause 6—Right of access to records or documents—I think even larger powers, if necessary, should be taken by Government.

I have not finished, and it is 1-15. I hope, Sir, you would allow me to continue tomorrow.

Mr. Deputy-Speaker: Is the hon. Member likely to take some time?

Shri N. C. Chatterjee: Yes, Sir.

Mr. Deputy-Speaker: He may then continue tomorrow.

The House then adjourned till a Quarter Past Eight of the Clock on Thursday, the 6th August, 1953.

Lok Sabha debate dated 6-8-1953 on the Collection of Statistics Bill, 1952

Mr. Deputy-Speaker: When a day is decided on this, there will be a debate.

LEAVE OF ABSENCE

Mr. Deputy-Speaker: I have to inform the hon. Members that I have received the following letter from Shri A. K. Basu:—

> "For reasons of health I have to be in Switzerland for a month or two. I would, therefore, request you to be kind enough to obtain the leave of the House for my absence during the forthcoming Session of the House."

Is it the pleasure of the House that permission be granted to Shri A. K. Basu for remaining absent from all meetings of the House during this Session?

Leave was granted.

PAPERS LAID ON THE TABLE

TARIFF COMMISSION REPORT ON RETENTION PRICES OF TATA STEEL AND GOVERNMENT RESOLUTION THEREON

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): I beg to lay on the Table a copy of each of the following papers under sub-section (2) of Section 16 of the Tariff Commission Act, 1951:—

(i) Report of the Tariff Commission on the fair retention prices of steel produced by the Tata Iron & Steel Co. Ltd. (1953);

(ii) Ministry of Commerce and Industry Resolution No. SC(A)-2 (96)/52, dated 20th July, 1953 [*Placed in the Library. See* No. IV R 159(22).]

COLLECTION OF STATISTICS BILL —*concld.*

Mr. Deputy-Speaker: The House will resume consideration of the motion moved on the 5th August, *viz.*,

> "The Bill to facilitate the collection of statistics of certain kinds relating to industries, trade and commerce be taken into consideration."

Shri N. C. Chatterjee (Hooghly): Sir, on the eve of India's Independence Day I ought to remind you that most of the foreign firms in India were expecting that some concrete steps would be taken by the Government to hasten the pace of Indianisation both in the commercial and industrial field as well as in other sectors of national life. After all, Sir, independent India demanded that the country's nationals should have an adequate place in all organisations controlling their economic life and development. Indeed, we know that many foreign firms had reconciled themselves to this position and they promoted many of their Indian executives to senior cadres. But, Sir, for some reason, some inscrutable reason, I must say the Government of India has not been very watchful, and as watchful as the circumstances warranted, and that made the foreign firms feel somewhat complacent. The result has been that from complacency there has been a drift against progressive Indianisation. And, as I gave you some facts, there has been a neglect of our nationals in foreign firms. As a consequence, there have been good many complaints against discrimination. Ultimately, New Delhi has been energised into action by the volume of complaints.

How far the charge of deliberate discrimination and victimisation is correct can only be realized if proper data and statistics are collected. The Government is stating in the Statement of Objects and Reasons:

> "Though Government can exert pressure to make certain firms submit returns, it is expedient that Government should be armed with powers to compel all concerns (including Managing Agency firms) engaged in (a) trade and commerce with foreign countries, (b) inter-State trade and commerce, (c) trading firms or Corpora-

[Shri N. C. Chatterjee]

tions.....and (d) stock exchanges, to furnish such information."

I think Government should be given this power, and this power should be exercised and used properly, and the charges of victimisation, discrimination on racial grounds etc., should be gone into and redressed. But they cannot be redressed unless you get the requisite data, the requisite facts.

After a few observations I made yesterday, some hon. Members expressed to me their amazement that I was supporting this Government measure where extraordinary powers have been given to the executive and they reminded me that such extraordinary powers were often abused. I need not be reminded that statutes like the Preventive Detention Act have been abused—and I am one of the victims of that statute and of extraordinary powers contained therein. I need not be reminded by anybody. We should be very careful that these extraordinary powers should not be abused and they should not be conferred on the executive in an unrestrained manner, yet at the same time I feel that the time has come when such powers should be given. Of course, we realize the danger of clothing the executive Government with unrestrained power.

I have gone through some of the amendments sponsored by Pandit Thakur Das Bhargava and other friends, and I think they are worthy of serious consideration. Pandit Thakur Das Bhargava has said in one amendment that power should not be given also to ask questions necessary for obtaining any information required to be furnished under the Act. He has asked for the omission of that. I don't know why he asks for the omission. I think that it is proper that power should be given to ask questions. Mr. V. P. Nayar has suggested that power of inspection and taking copies of relevant records should be taken. Pandit Thakur Das Bhargava has said that instead of asking questions, powers should be given to seize records and documents that contain the information required. If the Minister thinks that such power is needed, this Parliament should not be very reluctant to give that power, though such powers may be abused, even flagrantly abused. It may be an engine of oppression and torture, it may be utilized for other purposes. But true patriotism demands that national interests should transcend all sectional, party or group interests, and therefore, although we know that extraordinary powers have been abused and regrettable things have happened, and that we should be careful, still we support it as in the actual working we find that the Government could not get the requisite data. We have heard the statement of the hon. Minister that some of the firms refused to respond. They did not answer the questionnaire, and we know that the questionnaire was answered by others in such a way as to make the information absolutely hopeless or abortive. Therefore, the power should be given. Desperate diseases sometimes require desperate remedies. India has been raising her voice against the racial policy of South Africa, thundering against Dr. Malan's Government, but unfortunately, racial discrimination is going on in this country. There are certain commercial enclaves who think they are still the vestiges of British imperialism. They should be told that the writ of this Parliament will run in Clive Street and every corner of India; that the writ of the Government functioning now under the authority of this Parliament will also run throughout India and nobody can snap his finger at them. We should not tolerate any commercial enclave behaving in a manner derogatory to our self-interest and national prestige.

It is not a question of pounds, shillings and pence or rupees, annas and pies. The Indian executives have been telling repeatedly that they are not

motivated by the desire to secure a few rupees more by the revision of their pay and allowances, although this may incidentally be the result of the redressing of their grievances. They do not mind if their salaries were even reduced, provided the salaries of their superior officers, the foreigners, were also reduced to the same level. It is a question of self-respect and national interest. Most of our key industries are still in the hands of foreigners and they are managed by foreigners. It should be easy to visualize what will happen if there is a national crisis or a national emergency. We should, therefore, train up our own nationals in a proper way. The first thing to do is to have a statute like this with proper safeguards and adequate precautions. I think if the powers are judiciously exercised, we shall get the relevant data and we shall be able to deal with the firms in such a way as to promote our national needs.

Shri H. N. Shastri (Kanpur Distt.—Central): I rise to support this motion. The previous speaker has dealt with one important aspect of this Bill. My support to this motion is based on my personal experience as a trade unionist for very many years. I have been connected with a number of Labour Enquiry Committees that have been chiefly entrusted with the task of enquiring into the wages and working conditions of workers in certain industries. In the course of this association I have found that the chief difficulty that these enquiry committees have been faced with has been a reluctance on the part of most of the employers to furnish the requisite data that could be helpful for such enquiry committees.

Then, Sir, as you may be aware, there are industrial disputes that arise from time to time. They come up before Conciliation Boards; they come up before Tribunals and Arbitration Courts. Now, a proper settlement of this question is very greatly impeded for lack of available data.

The difficulties are still greater in the case of private industrial concerns that are free to manipulate their registers and accounts, and instances of such manipulation and gross mismanagement leading even to closure of some concerns have occurred in the past, resulting in unemployment of thousands of workers. Such cases have been brought to light on several occasions in recent years. In view of these considerations, I feel that this is an important piece of legislation that should be put on the statute book. As a matter of fact, the trade union organisations in this country have on many occasions in the past stressed the need for such legislation, and though it is already too late, still I think it will receive the unanimous support of the House.

Before I sit down, I should like to say that any efforts to curtail the powers vested in the Government by this Bill or proposed to be given, by means of amendments like those that have been given notice of by Mr. Thakur Das Bhargava, will undo the very purpose for which this Bill has been introduced. I, therefore, propose that this Bill should be passed in the form in which it has been placed before the House.

Shri S. S. More (Sholapur): Sir, I rise to support the underlying principles of this Bill. But in doing so, with your permission, I would like to point out some of the significant omissions that I perceive in this particular measure.

For instance, in the definition clause, in sub-clause (b), the term 'commercial concern' has been defined, but I fail to understand why private companies have been excluded from the ambit of the definition. I speak subject to correction. The definition as it stands reads:

> "'commercial concern' means a public limited company or a co-operative society or a firm or any other person or body of persons engaged in trade or commerce, and includes....."

[Shri S. S. More.]

Possibly, it may be argued that the latter part of this definition, 'or any other person or body of persons engaged in trade or commerce' will cover all private companies. But when it is possible to define it more explicitly in technical and legal expressions, I think it would be much better to make the definition as comprehensive as possible, even at the risk of being superfluous in the use of expressions.

Industrial and commercial concerns have been mentioned and defined at some length. But may I point out that there may be some companies which may be interested in large scale agriculture? In my part, particularly, there are some companies which grow sugar-cane, convert it into jaggery and sell it on a huge scale. The question is whether such concerns will be covered by any of these definitions. As far as I am able to read it, companies formed for the purpose of carrying on extensive and modern agriculture on a large scale, will not be covered by these definitions. I would refer you particularly to clause 2(b) (ix) which reads 'a rubber, tea, coffee or cinchona plantation'. That means other plantations such as sugar-cane plantations, etc., are excluded. I would request Government to go into this matter carefully, and bring within the scope of this particular legislation even companies or bodies of persons who are carrying on extensive agriculture. In many of these hundreds of workers are employed. Even for the purpose of ensuring the welfare of labour, the information which is sought or designed to be sought under clause 3 of the Bill is very useful, but as the Bill stands, private companies will be excluded. I would request the hon. Minister in charge to look into the matter and include within the scope of this legislation, even agricultural companies.

My next great grievance is regarding the penalty clause. I know that this penalty clause has been borrowed from the Industrial Statistics Act, 1942 (Act XIX of 1942). But it provides so many loopholes, through which the offenders may escape.

Clause 8(a) (ii) reads:

> 'wilfully furnishes or causes to be furnished any information or return which he knows to be false;'

If he wilfully furnishes, then we should say 'furnishes or causes to be furnished any information or return which he knows to be false', or 'wilfully furnishes or causes to be furnished any information or return which is false'. The terms 'wilfully' and 'which he knows to be false' together are redundant, because in such cases, the guilty intention of the man will have to be proved, and we shall have to prove not only that he was wilfully furnishing that information, but also satisfy that he also knew the information to be false. If he had not known that the particular information which was supplied to Government or the statistical authority was false, then the question of his wilful submission does not arise. I think the wording as it stands only adds to the confusion.

Now, a person may know a certain information to be false, or he may not believe it to be true. I shall just refer to the Representation of the People Act, in section 123 of which corrupt practice has been defined. Sub-section (5) of that section runs thus:

> 'The publication by a candidate or his agent, or by any other person, with the connivance of the candidate or his agent, of any statement of fact which is false, and which he either believes to be false or does not believe to be true.....'

If something like that were there in this Bill also, then it will be in accord with provisions elsewhere.

Again, take for instance Section 171 (g) of the Indian Penal Code. We find the same expression being used there. Take again, the Press and Registration

of Books Act. In Section 14 of that Act, there is a similar expression.

If identical expressions in such matters are used in different pieces of legislation covering the same mental attitude of the offender, then decisions in one case or under one enactment may be utilised for the purpose of the cases under other enactments. But the wording used here seems to be something strangely out of the common run. I would request the hon. Minister to apply his mind to this question.

Coming to clause 9 'Offices by companies', I must say that this clause passes my comprehension. With your permission, I shall read out the clause as it stands:

> "9. *Offences by companies.*—(1) If the person guilty of an offence under section 8 is a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:
>
> Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence."

A company is a corporate body. It is constituted of the directors who are supposed to manage the affairs, and the shareholders who have contributed their capital for the running of the business. Under this clause, not only the persons concerned will be prosecuted and punished but even the company which is a corporate body will be prosecuted and punished. I can understand a civil action lying against a corporate body or a corporate body being made to pay civil damages. But how can a company be prosecuted? At least my experience is not enough to give me some light on this point. I would like to have clarification of this point. The proviso to the sub-clause will come in handy for many of the fish to escape. A company carrying on manufacturing business on a large scale may have some big persons on the directorate. Under this clause, if false information is supplied by their agent who happens to be the managing agent, or by anybody else, whatever designation they may choose to give him, and if that information is given wilfully, then according to the first part of the sub-clause, all such persons who are concerned with the affairs of the company shall be deemed to be guilty, and they will be prosecuted and punished. But under the proviso, you give them an opportunity to show that the offence was committed without their knowledge.

What will be the effect? Sir, I do not think you will be able to catch all the Directors and particularly the big fish who will be really responsible for supplying false information. Possibly, this particular clause will be utilised for making a scapegoat of some employee and the other big fish, who are really interested in suppressing correct information from Government, will say, "Well, it was done without our knowledge. We never knew about this matter", and they will escape. That should not happen. No employee of the company who has no interest in the affairs or in the profits of the company beyond the salary that he gets should be made the victim of this particular clause. If this proviso is allowed to remain there, they will take advantage of it and somehow manage to wriggle out of the whole awkward situation.

Then we come to sub-clause (2) of this particular clause: 'Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed and it is proved that the offence has been committed with the consent or connivance of or is attributable to any neglect on the

[Shri S. S. More]

part of any director, manager, secretary or other officer, such director, manager, secretary or other officer shall also be deemed to be guilty and shall be liable to be proceeded against and punished accordingly'. Why this 'notwithstanding'? Where is the necessity for this separate clause? As a matter of fact, it only repeats what has been stated in sub-clause (1) with some slight difference, because sub-clause (1) already says:

> "If the person guilty of an offence under section 8 is a company, every person who at the time the offence was committed was in charge of and was responsible to the company....."

It is only the courts that will adjudicate upon this matter. So if our expressions are not correct and our meaning is not made precise and definite, this confusion in our wording will be taken advantage of and possibly the Minister will have to come back to us saying that as a result of the different judicial pronouncements, this section needs some amendment and we should again amend that. I feel 'notwithstanding' has no meaning here and this whole sub-clause is nothing but a repetition of sub-clause (1). The proviso should be dropped out if Government is advised to that effect, because that will be a good shelter for the real mischief-makers who will be working from behind the curtain and the big fish who are to be netted in this legislation will safely escape.

These are the only suggestions I would make as far as the wording is concerned. I would say that agricultural companies who are practising agriculture—growing sugarcane or other money crop and employing hundreds of employees—should also be brought within the ambit of this legislation, and as far as the penal clauses are concerned, I would make a special request to the Government that they should be very precise so that no loophole may be left in the Bill; because we, lawyers, are there to find loopholes, and when our legislation is itself giving them loopholes.....

Shri R. K. Chaudhury (Gauhati): Why do you accuse lawyers for nothing?

Shri S. S. More: I am one of those who subject themselves to introspection on occasion.

These are the points on which Government will have to concentrate their attention. I do admit that this is a very important measure. The condition of statistics in this country is bad, as others have said. Our statistical position has to be improved, correct data has to be collected, sifted and analysed so that it may be of some future guidance for us, and for that purpose, this measure must be made lawyer-proof as far as possible.

10 A.M.

Shri Tulsidas (Madras West: I rise also to support this Bill. It is very noteworthy that the Government have now come forward to have the powers to collect statistics and the Statement of Objects and Reasons given here at the back of this Bill shows the reasons behind this legislation. I am sure that the Government have no intention of going beyond the objects and reasons as mentioned in this Bill, and for that purpose, with whatever powers they have clothed themselves now, are more than ample. My friends, Mr. More and Mr. Chatterjee have given something which is entirely not according to the objects and reasons of this Bill. They seem to feel that whenever any legislation is brought forward for any purpose, extraordinary and very wide powers—of whatever nature—must be given to the Government thereby to achieve results. But they forget that the powers which the Government usually get and usually obtain from the Parliament are not generally useful for the purpose for which they are required and they themselves complain more often

than not that the Government have utilised those powers not for the positive purpose but for the negative one. Now, on the one hand and with one voice they say something, and on the other they say something else. I do not know whether they have understood exactly the objects and reasons of this Bill. They are not meant for any purpose other than that of collecting statistics. With regard to statistics, whether it is Governmental agency or whether it is private agency in this country, we are really very backward and want to improve. We want to get statistics in the first instance, whatever it is possible to get, and I do not see any reason why they will not be obtained with these powers, whether these powers are going to be used positively for this purpose or not.

I know, and I am sure the country knows very well, that with the powers the Government have in every legislation, the positive action is never taken. It is always for a negative purpose and used, if I may say so, Sir, with due deference, more for harassment and abuse. I am sorry to use this expression but I would ask the Minister in charge of this Bill as to why, apart from those given in the objects and reasons of this Bill, they want to have the information mentioned in clause 3? Under clause 3 it is said 'any matter.....' Is this legislation for collection of statistics or anything else? Any matter relating to commerce, industry or trade—anything? You want statistics; I do not understand why you say 'any matter'. It is so wide. Any matter means anything—from A to Z.

An Hon. Member: Any matter which is relevant.

Shri Tulsidas: If you see the wording it is only 'any matter'. That is why I would like to have clarification on this point.

Then, Sir, my friend, Mr. More, just now mentioned that because of this clause 9, the companies or the management of the companies will get away by putting somebody else as scapegoats. Well, perhaps Mr. More has his own personal experience in this respect. He might have put somebody for somebody else's purposes. But surely, in justice and fairness, the person who has committed an offence is responsible and should be punished and not the persons who are not in the knowledge of it or the persons who do not know anything about it. *(Interruption)* It is no use saying 'catch hold of every one, whether the person is in the know of it or whether he has any reason to neglect or any reason not to give the truth'.

Shri H. N. Shastri: What about connivance?

Shri Tulsidas: My friend on the left also seems to be of the same view. Well, these are the gentlemen who belong more or less to labour unions. They seem to have a common opinion on this point.

Shri Sarangadhar Das (Dhenkanal—West Cuttack): They are correct.

Shri Tulsidas: I do not know whether it is correct or not. I do not think any one of these gentlemen have any experience of labour themselves. But they seem to represent labour. Sir, we at least know what it is, as a management.

Shri S. S. More: You are right.

Shri Tulsidas: These gentlemen on the right and left do not know what are the conditions of labour because they do not belong to labour. They only look after labour. I am sorry I have to express this view. They have unnecessarily used this.....

Shri Achuthan (Crangannur): He represents the Peasants' and Workers' Party.

Shri Tulsidas: The point at issue is that this legislation is meant for statistics and, as I said in the beginning, the Government has got this measure for the right purpose because in this country statistics are not readily available. They are not properly

[Shri Tulsidas]

given and they are not properly compiled.

Before I go further, I would like to remind my friend here on this side that there are a number of legislations already on the Statute Book and the Government get the information they want. Over and above those they are again getting powers under this Bill. I would like the Government first to co-ordinate the different departments. If the information has once been given to the Government, then I am sure the Government will not ask for the same information under this legislation. It will really be a duplication of work for the managements. They have already supplied certain information on a particular legislation and then they are asked for the same information on a second legislation and similar information once again on a third legislation. If that is the work to be done, then it is only waste of time. Therefore, I would only request that when they are taking this power under this legislation they should certainly utilise it only for getting information which they have not already got. They should not go on duplicating work because, I am sure, if one department of Government is supplied with a certain information, with a little co-ordination the other departments can supply it. The information should not be asked for more often than is necessary. That is what I would like to point out to the Minister in charge and I hope that that would be followed, particularly in this case, because, otherwise there will be a lot of difficulties and it would be mere wasteful work to give the same information over and over again.

Sir, I would also like to point out that apart from whatever remarks the Labour Union leaders usually make, there is a vicarious liability, it has to be looked into: whether you want to hang a man or not, at least hang the man when he has committed a crime. Even if a man has committed a murder the court does not believe that he is a murderer until he is proved to be so. In this case the accused has to prove his ignorance or innocence. First he is considered guilty and then he has to prove his innocence. This is the other way round.

An Hon. Member: These people are hanged first.

Shri Tulsidas: I say that there should be similar legislation which would affect the Labour Union leaders so that they will have experience of it. This is the point that I would like to make. I would only like clarification on this point. Sir, I commend this Bill.

पंडित ठाकुर दास भार्गव (गुड़गांव) : जनाब डिप्टी स्पीकर साहब, न तो मैं किसी कमर्शल कॅसर्न (व्यापारिक संस्था) के मैनेजमेंटसे ताल्लुक रखता हूं और न कोई कैपिटलिस्ट (पूंजीपति) हूं कि जो इस बिल से घबराऊं। न मैं कोई लेबर या ट्रेड यूनियन का रिप्रैजेंटेटिव (प्रतिनिधि) हूं जो यह चाहूं कि इस की वजह से किसी मैनेजमेंट पर किसी क़िस्म का नावाजिब बोझ डाल दिया जाय। मैं तो एक सीधा सादा अपने देश का सिटीजन (नागरिक) हूं और इसी हैसियत से मैंने इस बिल को पढ़ा है। मैं इस बिल को बड़े ज़ोर से सपोर्ट करता हूं, क्योंकि मैं यक़ीन रखता हूं कि स्टैटिस्टिक्स (सांख्यकी) किसी भी मुल्क में, किसी भी वैलफेयर स्टेट में इतनी ज़रूरी और अहम चीज़ है कि जिस के बिना काम नहीं चल सकता। हमारे देश में स्टैटिस्टिक्स की बहुत कमी है और इसकी वजह से हमारे देश में ठीक नतीजे उन ऐदादो शुमार (सांख्यकी) से नहीं निकल सकते जो दूसरे मुल्कों में निकलते हैं। इस वास्ते मैं बहुत ऐक्शस (उत्सुक) हूं कि स्टैटिटिक्स के मामले में गवर्नमेंट को पूरे अख्तियारात मिलें और स्टैटिटिक्स की हमारे यहां ऐसी

हालत हो कि जिससे सही नतीजे हमारी वैलफेयर स्टेट निकाल सके । चुनांचे एक मिसाल जो इस के अन्दर दी गई है, जो आबजैक्ट्स एंड रीजन्स में दी गयी है उससे इस बात की ताईद होती है कि स्टैटिस्टिक्स के बिना ठीक हुए गवर्नमेंट को किसी भी काम के करने में कितनी मुश्किल है ।

श्री ऐन० सी० चैटर्जी साहब की स्पीच सुनी है जिससे नतीजा निकलता है कि वह किस क़दर इस बात से खुश हैं कि गवर्नमेंट की पालिसी तो सही है, लेकिन उनकी राय में उस पर अमल दुरुस्त नहीं होता, जब तक कि स्टैटिस्टिक्स उन के पास न हों । मैं उन से इस बात में सहमत ही नहीं, बल्कि गवर्नमेंट की खिदमत में बड़े ज़ोर से अर्ज करना चाहता हूं कि जहां तक स्टैटिस्टिक्स का सवाल है और जहां तक उस अहम नुक्ते का सवाल है जिसकी वजह हमारे कामर्स मिनिस्टर साहब ने आबजैक्ट्स एंड रीजन्स (उद्देश्य तथा कारणों) में दी है, मैं उस की तरफ़ खास तवज्जह दिलाना चाहता हूं । इस में कोई शक नहीं कि यह सवाल कोई रुपये आने का सवाल नहीं है । दरअस्ल यह नैशनल प्रैस्टीज (राष्ट्रीय प्रतिष्ठा) का सवाल है । यह सवाल इस अम्र (बात) का है कि हमारे लोग यह महसूस न करें कि फारैनर्स (विदेशियों) के मुक़ाबले में हमारे यंगमैन (नौजवान) अच्छी तरह से काम नहीं कर सकते और जब कभी मौक़ा मिले तो फारैनर को ज्यादा तनख्वाह दी जाय और हमारे आदमियों को कम तनख्वाह दी जाय । यह नैशनल प्राइड (राष्ट्रीय स्वाभिमान) का सवाल है, नैशनल प्रैस्टीज का सवाल है । साथ ही यह नैशनल सेफटी (सुरक्षा) का भी सवाल है, क्योंकि बहुत सारी की इंडस्ट्रीज फारैनर्स के हाथ में हैं । हमारी गवर्नमेंट इन फारैनर्स के साथ, इन सफ़ेद चमड़े वालों के साथ पहले तो बहुत ज्यादा और उसके बाद अब कम तरजीह वाला सलूक करती रही है । अब पहले के मुक़ाबले कम तरजीह है, लेकिन ताहम अभी भी तरजीह वाला उन के साथ सलूक है और हमारे लोगों को पूरा मौक़ा हासिल नहीं होता । जब कि एक सफ़ेद खाल वाला आदमी हमारे गवर्नमेंट के या किसी मिनिस्ट्री के डिपार्टमेंट्स में जाता है, तो यह मिनिस्ट्रीज के डिपार्टमेंट्स का क़सूर है कि अगर वह सफ़ेद मुंह वाला हो तो उस की खातिर तवाजह होती सकी ज्यादा सुनवाई होती है । जब गवर्नमेंट खुद इस तरह की ऐटीट्यूड रखती है तो क्या उम्मीद रखी जाय कि फारैनर्स जो इस मुल्क में रहते हैं वह हमारी नैशनल्स को ठीक जगह देंगे और अच्छा सलूक करेंगे ।

मैं समझता हूं कि इस बिल के पास (पारित) होने से यह शिकायत गवर्नमेंट को नहीं रहेगी कि गवर्नमेंट के पास ठीक स्टैटिस्टिक्स न होने की वजह से वह इस मामले में पूरी तवज्जह नहीं दे सकी । मैं चाहता हूं कि आयन्दा गवर्नमेंट हाउस में यह जवाब न दे सके कि अमल इसलिये नहीं हो रहा है कि उसके पास स्टैटिस्टिक्स नहीं है । यह मिसाल गवर्नमेंट के पास मौजूद है । अगर यह मिसाल नहीं होती तो भी मैं बहुत सी मिसालें जानता हूं कि जिनमें इस तरह का सलूक होता है । लेकिन गवर्नमेंट यही कहती कि हमारे पास स्टैटिस्टिक्स नहीं हैं । इसलिये मैं इस बिल को बहुत ज़ोर से सपोर्ट करता हूं और चाहता हूं कि यह बिल पास हो ।

इसको सपोर्ट करते हुए यह मैं ज़रूर महसूस करता हूं कि "ऐनी मैटर" इस लफ्ज से मामला बहुत काफी वाजह हो जाता है । लेकिन साथ ही यह भी बात है कि इसके अन्दर पहले लफ्ज "स्टैटिस्टिक्स अबाउट ऐनी मैटर" न होते तो जिन मामलों में स्टैटिस्टिक्स नहीं हो सकते वे इसमें नहीं आ सकते । अगर "ऐनी मैटर" न लिखा जाय तो गवर्नमेंट को

[पंडित ठाकुर दास भार्गव]

इसके अन्दर काफी ज्यादा डिटेल देने पड़ते और पता नहीं वह डिटेल काफी भी होते या नहीं। इसलिये मैं नहीं घबराता हूं कि लफ्ज "ऐनी मैटर" इतना वाजह लिख दिया गया है। मैं तो चाहता हूं कि गवर्नमेंट इस पर अमल करे और मैं खुश हूं कि गवर्नमेंट ने इस को रखा है। यही दिक्कत लेबर मैटर्स में भी आई थी और उस में गवर्नमेंट को महसूस करना पड़ा और चन्द मामले दर्ज करने पड़े और बाक़ी उसमें दाखिल नहीं हो सके, क्योंकि उन्होंने लेबर के बारे में 'ऐनी मैटर' लफ्ज पसन्द नहीं किया।

चुनांचे एक अमेंडमेंट मेरी इस में है और कई एक अमेंडमेंट दी गयी हैं जिन के बारे में यह बिल साइलैंट (मुग्ध) था। इस वास्ते इस लफ्ज "ऐनी मैटर" से मुझे कोई घबराहट नहीं है। मुझे घबराहट है तो एक और चीज से है जिस का हवाला हमारे मोअज्जिज दोस्त श्री ऐन० सी० चैटर्जी साहब ने दिया और बाद को श्री तुलसीदास किलाचन्द जी ने जिसका हवाला दिया।

[SHRI PATASKAR *in the Chair*]

जनाब वाला, जब कभी हम किसी गवर्नमेंट को पावर्स देते हैं तो हम चाहते हैं कि गवर्नमेंट को पूरे पावर्स मिलें और हम चाहते हैं कि उन पावर्स का जायज इस्तैमाल हो। लेकिन कौन ऐसा शख्स हाउस में है जिसका तजुर्बा नहीं है कि बहुत से मामलों में गवर्नमेंट जब उन का इस्तैमाल करती है तो बहुत से आफिसर्स ऐसे होते हैं जो कि उन को अब्यूज (दुरुपयोग) करते हैं। तो इस चीज को हमें देखना है। इस हाउस में हम पावर्स तो दें, लेकिन ऐसी हालत जरूर बना दें कि वे पावर्स अब्यूज न की जायं। मैं चाहता हूं कि स्टैटिस्टिक्स के बारे में और दूसरी चीजों के बारे में पूरी पावर्स गवर्नमेंट को मिलें, क्योंकि स्टैटिस्टिक्स न होने की वजह से हर एक चीज का इन्तजाम नहीं किया जा सकता। लेकिन ताहम कौन ऐसा शख्स है जिसके तजुर्बे में नहीं आया कि चाहे जब गवर्नमेंट के अफ़सरान इस तरह से सैक्शन्स को कंस्ट्रू करते हैं (धाराओं का अर्थ लगाते हैं) इस तरह से पावर्स का इस्तेमाल करते हैं जिस से कि लोगों के हकूक पर असर पड़ता है। इसलिये जहां हम चाहते हैं कि गवर्नमेंट की पावर्स पूरे हों, वहां हम यह भी चाहते हैं कि लिबर्टी आफ़ सबजैक्ट्स (प्रजा की स्वतन्त्रता) में इस तरह से नाजायज इंटरफीयरेंस (हस्तक्षेप) न हो। लोगों को यह महसूस न होना चाहिये कि उनके हकूक छीने जा रहे हैं। इस वास्ते हर एक चीज में बैलेंस (सन्तुलन) करना पड़ता है, ज्युडीशस बैलेंस करना पड़ता है कि गवर्नमेंट को इस तरह से पूरे पावर्स दें तो साथ ही इस तरह से रैस्ट्रेन (निबन्धित) भी कर दें कि जिस से लोगों की बैगेरीज (दुष्कल्पनाओं) की वजह से खराब असर पैदा न हो सके और उनका बेजा इस्तैमाल न हो सके।

इस वास्ते जब मैं चाहता हूं कि गवर्नमेंट किसी भी बारे में स्टैटिस्टिक्स के बारे में हुक्म दे, किसी आदमी को हुक्म दे, किसी कमर्शियल एन्ड इंडस्ट्रियल कंसर्न को हुक्म दे कि वह अपने स्टैटिस्टिक्स भेजे और मैं समझता हूं कि जिनको ऐसा करने का हुक्म मिले, वह उसे मुहैया करे और यह जायज हुक्म है और जो शख्स इसको तामील नहीं करता, गलत तौर पर तामील करता है या इस तरह से तामील करता है जिससे देश का इंटरेस्ट सर्व (लाभ) नहीं होता है, ऐसे फाल्टी लोगों के लिये हमने इस बिल में पेनाल्टीज प्रोवाइड की (अर्थदण्ड का प्रबन्ध किया) है क्योंकि उस हालत में वह मुजरिम

है और उसको सजा दी जायगी। इस सिलसिले में मोरे साहब ने जो तनक़ीद की है उसको मैं आगे चल कर देखूंगा कि वह कहां तक जायज़ है। हमें देखना चाहिए कि हमने पेनाल्टीज़ की दफ़ा में उन अफ़सरों को क्या पावर्स दी हैं और क्या उनके पास इतनी पावर्स हैं कि वह उनका मिसयूज़ कर सकें, हमें देखना चाहिये कि हम उन अफ़सरों को क्या पावर्स देते हैं और आया वह लोगों को खामखा पेनेलाइज़ कर सकते हैं या नहीं। दफ़ा पांच की रू से स्टैटिस्टिक्स एथारिटी को हमने यह पावर्स दी हैं कि वह किसी भी इंडस्ट्रियल या कमर्शियल कंसर्न से स्टैटिस्टिक्स के बारे में इनफ़ारमेशन (जानकारी) या रिटर्नस दरियाफ्त कर सकती है, यह पावर्स जो दफा पांच में दी गयी हैं बड़ी वाज़ें और जामे हैं, और इस दफ़ा के अन्दर सारी चीजें मौजूद हैं और वह किसी भी पर्सन (व्यक्ति) या कंसर्न (संस्था) से इस तरह की इनफार-मेशन या रिटर्नस मांग सकते हैं, इस सब के वास्ते प्राविज़न मौजूद है।

लेकिन जहां तक दफ़ा ६ का ताल्लुक़ है मुझे यह ज़रूर तसलीम करना पड़ता है कि उसे देख कर कुछ हैरानी पैदा होती है। दफा ६ जो राइट आफ़ एक्सेस टु रेकार्डस आर डाक्यूमेंटस् (अभिलेख तथा दस्तावेज़ देखने का अधिकार) के मुताल्लिक है उसके ऊपर गवर्नमेंट को ज़रूर फिर से ग़ौर करना पड़ेगा। हम यह जानते हैं कि कई सूरतों में लोग सही स्टैटिस्टिक्स अपने प्राइवेट (निजी) फवाद के खातिर नहीं देना चाहते, खसूसन ऐसी इंडस्ट्रीज़ जो नाजायज़ फायदा उठाती हैं और जो अपनी सही कास्ट नहीं बतलाना चाहतीं, जो अपनी बहुत सी बातें छिपाना चाहती हैं और जिसके कारण कंज़यूमर्स को नुक़सान होता है, ऐसी हालतों में मैं चाहता हूं कि गवर्नमेंट को इस तरह की पावर हासिल हो जिससे वह उन लोगों से सही स्टैटिस्टिक्स और रिटर्नस् हासिल कर सके, लेकिन मैं अदब से अर्ज़ करना चाहता हूं कि जब तक यह न साबित हो जाय कि कोई शख्स या इंडस्ट्रियल कंसर्न दफा पांच के अन्दर जो स्टैटिस्टिक्स और रिटर्नस् उसको दाखिल करने का हुक्म दिया गया है, वह उसकी ठीक तरह] तामील नहीं करती, सही इत्तिला देने से वह शख्स इंकार करे या ऐसे स्टैटिस्टिक्स दे जिनके ऊपर एतबार न किया जा सके, तभी दफा ६ का इतलाक़ होना चाहिए और उस हालत में गवर्नमेंट यह हुक्म जारी कर दे कि उस शख्स के घर में या फैक्टरी की प्रीमिसेज़ में दाखिल हो जाय और वहां जाकर उसके जो रेकार्डस् और डाक्यूमेंटस् हों उनको देखने की कोशिश करे और सही इत्तिला इकट्ठा करने की गरज़ से उनसे सवालात पूछे। इसके अलावा मेरी अदब से गुज़ारिश है कि दूसरी हालतों में स्टैटिस्टिक्स अथारिटी को यह पावर नहीं होनी चाहिये कि वह एक आदमी के घर में या उसकी फैक्टरी में जाकर डाक्यूमेंटस् को तलाश करे और उससे पूछताछ करे, क्योंकि फंडामेंटल राइट्स के मुताबिक हर एक आदमी का घर और उसकी वर्किंग प्लेस ऐसे हमलों से मुबर्रा होती है और इस वास्ते यह सेफगार्ड करना बहुत जरूरी है कि रुथलेसली दफ़ा ६ का इस्तेमाल न किया जाय, दफ़ा ६ का इस्ते-माल तभी किया जाय जब दफा पांच के मुताबिक कोई शख्स या कमर्शियल कंसर्न अपने रिटर्नस् सही सही दाखिल नहीं करते हैं या इंकार करते हैं। और जैसा मेरे भाई श्री तुलसीदास किलाचन्द ने फरमाया कि कई सूरतों में इस दफा ६ में दी गयी पावर्स को ऐबयूज़ किया जा सकता है।

स्टैटिस्टिकल अथारिटी को दफ़ा ६ का प्रयोग तभी करना चाहिए जब वह देखे कि

[पंडित ठाकुर दास भार्गव]

ऐसी इनफारमेशन दफा पांच के जरिए उसे नहीं मिल रही है और जिसके न मिलने से पब्लिक इंटरेस्ट को नुक़सान पहुंचेगा, तभी उसको दफा ६ के मुताबिक हुक्म जारी करना चाहिए कि उस शख्स या कंसर्न की प्रीमिसेज में एक्सेस हासिल करके उसके डाक्यूमेंटस् रिटर्नस् और इनफारमेशन को देखे और इकट्ठा करे और उनसे पूछताछ भी करे। मैं अदब से अर्ज करना चाहता हूं कि दफ़ा ६ की जो वर्डिंग (शब्द रचना) है, मैं उस का बहुत अच्छी तरह से नहीं समझ सका, उसमें लिखा है :

"The statistics authority or any person authorised by him in writing in this behalf shall, for the purposes of the collection of any statistics under this Act, have access to any relevant record or document in the possession of any person required to furnish any information or return under this Act....."

सिर्फ़ एक्सेस का हुक्म देने से ही और किसी की प्रीमिसेज में दाखिल होने का राइट देकर ही आपका मक़सद हासिल नहीं होता, क्योंकि अगर मौक़े पर जाकर भी आप को ठीक ठीक इनफारमेशन नहीं मिलती या वह शख्स मौजूद न हो तो क्या किताबें और डाक्यूमेंटस् जो वहां पर मिलेंगी वे बोलेंगी, ऐसी हालत में इस दफ़ा के अन्दर यह चीज साफ़ होनी चाहिए थी और इसका लाजिकल कौंसीक्वेंस (परिणाम) यह होना चाहिये था कि अगर वहां मौक़े पर कोई शख्स मौजूद न हो और इनफारमेशन देने वाला न हो तो उन डाक्यूमेंटस् को सीज कर लें और उन डाक्यूमेंटस् से नफारमेशन हासिल कर लें किसी को पकड़ना तो हमारा मक़सद नहीं है असल में मक़सद तो इनफारमेशन लेने का है। अगर जवाब देने वाला वहां पर मौजूद न हो और किताबें और दूसरे म तलब के कागजात वहां पर पड़े हों, और स्टैटिस्टिक्स इस क़िस्म के हों कि जिनका न आना prejudicial to the public interest (लोगों के हितों को बाधक) हो और नुकसान पहुंचता हो उस सूरत में गवर्नमेंट को चाहिए कि लाजिकली प्रोसीड करना चाहिए और अथारिटीज को अख्तियार दे कि वह वहां जायं और अगर वहां वह शख्स जो इनफारमेशन दे सकता हो मौजूद न हो, तो वहां मिले हुए डाक्यूमेंटस और दूसरे कागजात को सीज कर लें और इनफारमेशन और सही सही रिटर्नस् मालूम करने के बाद वह कागजात उनको वापिस कर दिये जायं। इसलिये जनाब वाला जहां हम दफ़ा ६ में यह लफ्ज़ देखते हैं " shall have access" इसके साथ ही अब तक आप स्टैटिस्टिक्स अथारिटी को यह अख्तियार न दें कि वह जाकर उन खास हालतों में जिनका मैं पहले जिक्र कर चुका हूं, किसी शख्स के मकान में दाखिल हो सके और उसके डाक्यूमेंट्स और दीगर हिसाब किताब की किताबों को पकड़ सकें उस वक्त तक यह दफ़ा ६ बेमानी हो जाती है। हमें इसके बारे में बिल्कुल साफ़ होना चाहिए। Ask questions : from whom ? In respect of what ? हमको बिल्कुल साफ़ अपने दिमागों में रखना है, साफ लिखना चाहिए कि किन लोगों का फ़र्ज है कि जवाब दें, किन बातों का जवाब दें और अगर उसका जवाब भी न मिले तो क्या किया जाय, मुझे अदब से अर्ज करना है कि मौजूदा दफ़ा में इसके वास्ते कोई प्राविजन (प्रबन्ध) नहीं है। अगर कोई शख्स मौजूद नहीं है, तो इसमें कोई प्राविजन नहीं है जिस से इनफारमेशन हासिल की जा सके और इसलिए इसका प्राविजन किया जाना जरूरी है

मैं अर्ज करूंगा कि इसके आगे क्लाज ८ (२) जो इस तरह है :

"Wilfully furnishes or causes to be furnished any information or return which he knows to be false"

"श्री मोरे साहब ने इसके मुताल्लिक जो हाउस की तवज्जह दिलाई मैं उनसे एक बात में पूरा इत्तिफ़ाक करता हूं कि इस फिक़रावाक्या "wilfully" लफ़्ज की कतई जरूरत नहीं है।

"Furnishes or causes to be furnished" काफी है ।

The Minister of Commerce (Shri Karmarkar): What is the meaning of 'filvakiya'?

Shri Tek Chand (Ambala-Simla): As a matter of fact.

पंडित ठाकुर दास भार्गव : Wilfully मेरी अदब से गुजारिश यह है कि :

"If any person furnishes or causes to be furnished." Can he furnish a thing without being willing to furnish it? Can he furnish a thing without doing a thing which has the effect of furnishing?

Wilfully obstructs—it has got some meaning. Furnishes is equally good as causes to be furnished. Then about the words 'which he knows to be false'.

जहां भी यह अल्फाज हैं "व्हिच ही नोज टु बी फाल्स" अगर उस को पता है कि वह झूठ है, और वह उसे फर्निश करे, और उसके बाद "विलफुली" हट जाय, तो जुर्म तो उतना ही हो गया, जुर्म हो गया उस को झूठ बताने का, लेकिन फिर भी आप उस का ज्यादा कुछ कर नहीं सकते । इस लिये आप को दो चीजें रखनी चाहियें, वर्ना हर एक आदमी बच जायेगा "व्हिच ही नोज टु बी फाल्स" इज नाट सफिशिएन्ट । अगर हम यकीन करते हैं कि यह चीज झूठ है तो बजाय खुद करने के किसी दूसरे आदमी के ज़रियें फर्निश करा देते हैं। यह उतना ही खराब फेल है जितना खराब कि वह फेल जिसे कि हम जानते हैं कि झूठ है। इस लिये मोरे साहब का क्रिटिसिज्म बिल्कुल जायज है कि "व्हिच ही नोज आर बिलीव्ज टू बी फाल्स" जब तक आप 'बिलीव्ज' का लफ्ज़ नहीं रखते उस वक्त तक यह कानून बेमानी होगा, क्योंकि यह साबित करना होगा कि "ही निउ इट टु बी फाल्स"। जनाब मुलाहिजा फरमायें कि आई० पी० सी० की दफा १९१ और १९३ में यह तीनों चीजें लिखी जाती हैं "व्हिच ही नोज टु बी फाल्स, आर बिलीव्ज टु बी फाल्स, आर डज नाट बिलीव टु बी ट्रू।" लेकिन मैं अर्ज करता हूं कि "डज नाट बिलीव टु बी ट्रू" ज्यादा सख्त है क्योंकि यह तो स्टैटिस्टिक्स का मामला है, लेकिन जहां तक 'बिलीव्ज' का मामला है यह जरूरी है कि यह लिखा जाय कि "व्हिच ही नोज आर बिलीव्ज टु बी ट्रू।"

अगली चीज में यह अर्ज करना चाहता हूं कि कि इस क्लाज ८ के अन्दर

(b) "impedes the right of access to relevant records or documents or the right of entry conferred by section 6".

हमारी कामर्स मिनिस्ट्री एक नया लफ्ज इस्तैमाल करती है दफा ८ में ।

(b) "Impedes the right of access to relevant records or documents or the right of entry conferred by section 6." What is the meaning of it? The wording is "wilfully obstructs" in the section 186 of the Indian Penal Code. I know of many other sections also. What is the meaning of saying "Impedes the right of access"? Under the power given in clause 6 any person can say: this person is authorised to go there and is hereby authorised to have access to the record. If any clerk raises an objection, he is 'impeding' his right of access. Or if some other person says "My master is not here, please do not come", is he 'impeding' the right of access?

This is a new expression in law and would require judicial interpretation. If clause 6 is changed to an extent,

[पंडित ठाकुर दास भार्गव]

this need not come and other words which are in the Indian Penal Code will have to be used.

मैं इसके आगे चल कर जनाब की खिदमत में दफा ९ के ऊपर अर्ज करना चाहता हूं क्योंकि उस पर बहुत बहस की गई है। दफा ९ में दो विउज एक्सप्रेस की गई (मत प्रदर्शित किये गए) हैं। नम्बर एक मोरे साहब ने एक्सप्रेस की है जिन की राय दफा ९ के हक में है क्योंकि वह इन्डस्ट्रियल कंसर्न्स के मैनेजमेन्ट के सिलसिले में है। दूसरी विउ मेरे लायक दोस्त तुलसीदास किलाचन्द ने जाहिर की है जो फरमाते हैं कि इस की भी मुनाही होनी चाहिये कि मडरर (हत्यारे) को भी सजा न दी जाय जब तक कि उस के खिलाफ जुर्म न साबित हो। तो कारखाने दार पर क्यों बार सबूत रखा जावे—मैं अर्ज करना चाहता हूं कि सेक्शन ९ जो है वह दो कन्फ्लिक्टिंग विउज के बारे में कम्प्रोमाइज प्रोपोजीशन (मध्यम मार्ग) है और वह इस तरह पर है कि जहां तक सवाल किसी ऐसे आदमी का है वह इस दफा २ में दर्ज है :

"notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable,....."

मेरी समझ में नहीं आया अब तक कि इस चीज से मोरे साहब क्यों नाराज हैं और क्यों इस दफा दो के मुतजाद खयाल फरमाते हैं। इस के अन्दर वह चीज दर्ज है कि जिस के वास्ते हम हमेशा झगड़ते रहे हैं और वह झगड़ते रहे हैं कि अगर किसी आदमी की कन्सेन्ट से, कनाइवेन्स से या किसी के कहने से या नेगलेक्ट से जुर्म हो तो गो नेगलेक्ट के बहुत कम जुर्म ऐसे बनते हैं जिन में पेनलाइज किया जा सके, बहुत थोड़े जुर्म हैं जिन में नेगलेक्ट की वजह से आदमी को सजा दी जाय, लेकिन ताहम कल्पेबल नेगलेक्ट होता है जिसमें आदमी का फर्ज है कि वह थोड़ा सर्कम्स्पेक्शन करे।

Shri S. S. More: Sir, I have one difficulty. My friend is an eminent lawyer. I should like to be enlightened on this. How will you prosecute a company and prove that a company, an incorporate body having no physical existence, has committed a particular offence?

पंडित ठाकुर दास भार्गव : I am coming to that. जहां तक सवाल इस अम्र का है, दफा २ है। Moreover, Company is a person and is answerable for an offence.

Shri S. S. More: Sir, I would make a request that he should speak in English. Oftentimes I feel that he is opposing me when as a matter of fact he is supporting me!

पंडित ठाकुर दास भार्गव : मैं इस दरख्वास्त को मंजूर करने से पहले, अपने लायक दोस्त से जो यह फर्माते हैं, यह काउन्टर दरख्वास्त करूंगा कि उन को कोशिश करनी इसकी चाहिये कि वह मेरी टूटी फूटी हिन्दी को समझ सकें।

Shri S. S. More: We shall join in that, but not here.

Shri A. M. Thomas (Ernakulam): Sir, when he speaks on Bills which are drafted in English it is advisable to speak in English.

पंडित ठाकुर दास भार्गव : मेरे लायक दोस्त को यह दरख्वास्त मिनिस्ट्री से करनी

चाहिये कि बिल हिन्दी में छापा करें—मेरी भी यही शिकायत है कि हिन्दी में बिल नहीं छपा करते—पेश्तर इस के कि यह दरख्वास्त मुझ से की जाय ।

Shri Sarangadhar Das: I wish to say a word about this, particularly as he wants the hon. Minister to take note of what he says. Unfortunately the two Ministers concerned are not acquainted with the language he speaks. (*Interruption*).

Mr. Chairman: It is left to the choice of the hon. Member.

Shri S. S. More: With the greatest deference to you, Sir, it is a question of our being able to understand what he is saying.

Mr. Chairman: He is free to use any language he likes and I think he is proceeding in his own way.

Shri S. S. More: We cannot follow.

पंडित ठाकुर दास भार्गव : मुझ को अफसोस है कि जो कुछ मैंने कहा उस को मैं इस तरह से अदा नहीं कर सका कि मेरे लायक दोस्त उस को पूरी तरह समझ सकते । लेकिन इसमें कुछ थोड़ा सा कुसूर मेरा है और वह यह कि अपनी स्पीच में मैं बिल्कुल शुद्ध हिन्दी इस्तैमाल नहीं करता हूं । यह तो आदत का सवाल है । हिन्दी में थोड़े से अल्फाज उर्दू के भी होते हैं । लेकिन चूंकि यह आदत का सवाल है, वह कुछ दिनों के अन्दर बदल नहीं सकती । मैं कोशिश करता हूं लेकिन ताहम वक्त लगेगा । इस लिये मैं उस जबान में बोलूंगा जिसमें करमरकर साहब कहते हैं ।

श्री करमरकर : मैं अंगरेजी बोलने के लिये नहीं कहता हूं, मैं हिन्दी समझता हूं । But when he attacks Mr. More's points, he might perhaps speak in English because he does not understand.

Pandit Thakur Das Bhargava: Sir, with your permission I shall now speak in English.

Mr. Chairman: Rather in deference to the wishes of the House.

Pandit Thakur Das Bhargava: I do not want to speak in a language which many of them do not understand, though I will not do so well in English.

Shri S. S. More: You do not know your own capacity.

Pandit Thakur Das Bhargava: I do not know what my friends think about me.

Sir, I was submitting in relation to sub-clause (2) of clause 9 that as a matter of fact this clause does not countenance a state of things to which Mr. More has addressed himself. In the first place, if a person is a consenting party to a crime or if he connives at a crime or even if the offence is committed by an act which is attributable to neglect on the part of a manager or director etc., it is ordinary law that he is held chargeable, and it is presumed that he has committed an offence. There is nothing inherently wrong in this sub-clause (2) which can be complained about. All that Mr. More says is that this is in conflict with the previous words. He says that these words "Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved.....etc." are in conflict with the previous words. He takes objection to the previous words to which I shall come later when I discuss clause 9(1). But so far as these words are concerned, it would have been better if the words "or is attributable to any neglect on the part of" were dropped. Because it is only in rare cases of neglect that a person commits an offence in the view of the law. Of course under section 304/A neglect is regarded as culpable, but ordinarily it is not. Because in neglect also the mind of the accused does not go with the act and the *mensrea*

[Pandit Thakur Das Bhargava]

is absent. Neglect means that the accused does not advert to the act itself. Ordinarily, neglect is not regarded as culpable. Therefore, when it is a matter of neglect it will not be a penal offence. But I will not press this point too much.

In regard to clause 9(1) exception has been taken by Mr. Tulsidas Kilachand that there is an element of vicarious responsibility here. Not only in this but in many other Acts we have found such comparable provisions.

We have found that provisions like this exist and the person in charge of the business of the company is regarded as a person responsible to the Company and to the Government for all practical purposes. It is done with a view to fixing him with liability so that he may do his work with the utmost consideration. The entire liability would be his if the provision to which my friend Mr. More takes exception were not there. Does he want that every person in charge of a company should be held liable even if he is lying ill in a hospital? I hope he does not mean that.

Shri S. S. More: I want that that particular section ought to be recast in such manner that the person is made clearly responsible.

Pandit Thakur Das Bhargava: I can appreciate the meaning of my friend. I took it that he was rather criticising. I am afraid I was wrong. So, Sir, it appears that apart from the manner or the shape of this section my friend is in agreement with the principle of this section. So his argument melts away.

As regards the question of vicarious responsibility, Sir, I would have been quite happy if that was not there. If this "vicarious responsibility" is not put there with this safeguard it may be possible that the company may not be able to work well in the interests of the public and the good work of the company themselves. So it is very necessary that some responsibility should be cast upon the principal man and in cases where he is not responsible and an offence is done without his knowledge he can very easily escape. We are making innocent persons the scapegoats by asking the management to produce a person who has committed the crime, when he is missing. The Government has improved the law now. Indeed it has made it much more reasonable. In the main, therefore, I support this clause 9.

As regards clause 8 I have already submitted.

In the end, I would submit that we should not look at this in a pedantic way. I am not opposed to this measure in principle but at the same time I wish that due safeguards are given to them so that the freedom of the people is fully secured to them. I might mention a case of vicarious responsibility in which all the directors were hauled up in Meerut. They were subjected to indignities by being sent to jail for hours before the Court of Appeal gave them freedom. They were very respectable people. This attitude that he is a respectable person and, therefore, he should have vicarious responsibility is entirely wrong in principle. What is the use of these fundamental rights if you make a law like this?

I have never felt during all my life that judicial independence is wanting as I feel now. Except in the Supreme Court and the High Courts, in the mofussil it is badly wanting. We find that people are not so independent now as they used to be before. I say it with regret that in our days of *swaraj* we expected that judicial officers will be much more independent but now there is a police raj practically. If this is so then no arbitrary powers should be given to the Government by which the liberty of the people may be put into jeopardy. I, therefore, request the hon. Minister, with all the emphasis at my command, to look into the

matter and agree to give at least to innocent people safeguards in which while they must ensure that the authority is quite safe in the exercise of these rights which we are giving, at the same time it will not be able to inflict any injury on any individual. I am anxious, Sir, that so far as the liberty of the subject is concerned it may be fully safeguarded.

Shri H. N. Mukerjee (Calcutta North-East): I rise to accord my general support to the Bill before the House but I am afraid I must say that the provisions of the Bill suggest our Government's characteristic hesitancy and its lack of a comprehensive approach in regard to the very serious problem of the collection of statistics.

At this stage I propose to confine myself purely to a general discussion of the issues raised by this Bill and I expect that at a subsequent stage of the proceedings attempts would be made, I hope with some success, to tighten up certain of the provisions which have been included in this measure.

I am happy that the Government has realised its lack of authority in the matter of the collection of statistics which came out as a criticism in the instance of the attempt to find out the position by means of a questionnaire on statistics regarding Indian employees in foreign firms. Now in the Statement of Objects and Reasons it is said very rightly that Government ought to be armed with better authority in order that foreign firms, who had been approached earlier for supply of statistics to Government and had not behaved in a way they should have done cannot go on in this way with impunity. This matter has already been referred to by my hon. friend Mr. N. C. Chatterjee, but I would like to repeat that Government's feet of clay were revealed rather unhappily in this instance of the attempt to find out facts about Indian employment in the foreign firms. Now this came out firstly over the questionnaire. The questionnaire, about which the Bengal Chamber of Commerce (which is dominated by foreign agency) had the presumption to say that fortunately the questionnaire had been "helpfully framed and therefore, they hoped that "this squall will pass over". Actually that squall passed over smoothly. Since these foreign interests were interested, the squall passed over. Even though my hon. friend, the Minister for Commerce and Industry, has occasionally made some very brave speeches about the measures which he is going to take against recalcitrant foreign interests in this country, actually the foreign interests in this country have as good as an assurance that they are going to rule the roost as long as they have the cleverness and the subtlety to cloak their operations in a manner which Government does not wish, or is not capable to penetrate. Sir, this lack of policy which followed the answers, the very inadequate answers which came to the questionnaire supplied by Government, is a matter to which I want to draw the attention of the House and especially of the Government.

Now, Sir, I found on the first day when we met in this session that in answer to a question of Mr T. K. Chaudhuri the Minister for Commerce and Industry stated that there was no "gentlemen's agreement" with any foreign firms regarding an assurance about a proportion of Indian employees being compulsorily appointed. This is a matter to which I wish to draw the attention of the House because this question was agitated in the papers. It was reported that there had been some sort of an understanding. Actually, the hon. Minister for Commerce and Industry made a speech before the Associated Chambers of Commerce last December where it appeared that he had a kind of understanding in mind. He pleaded that at least 50 per cent. of the insurance business and a large percentage of the shipping business of foreign concerns should go to Indian concerns and he had also expressed a hope that these foreigners when they are get-

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ting the treatment which we accord to our own nationals—should act according to the responsibility imposed by this generosity on the part of our Government.

Apart from that, I find that in the *Commerce* of the 30th May, 1953, there was a very specific statement that about 60 of these foreign concerns had given a kind of assurance or come to a gentlemen's agreement that they would try as far as possible to appoint Indian employees for every single vacancy except for such technical jobs as could not be tackled by Indian employees available at the moment. There was thus talk about a gentlemen's agreement. But, I am sure it did not mean very much. Besides, a gentlemen's agreement, if it had been arrived at or not, is not material. I am not at all surprised that this was the upshot of the Government's attempt to find out what exactly was the position as far as Indian employees in foreign firms were concerned. This, I submit, is due to the fact that there is a basic inconsistency in our position. Government did show at one time, as a result of popular pressure, a certain amount of enthusiasm for Indianisation. But, Government has, at the same time, a policy of attracting foreign capital on, unfortunately, the foreigners' own terms. There is this contradiction. If you are going to attract foreign capital on the foreigners' own terms, then, surely you cannot advocate compulsory Indianisation, as far as possible, of executive posts in foreign concerns. I would say that, just as in the sphere of our foreign policy, so here also we are daily being confronted with glaring contradictions. On the one hand, our people, and our Government also sometimes reflecting the desire of our people, say that such and such a course of action ought to be adopted in regard to Egypt, for example, which came up this morning in the Question Hour.

There is the other phenomenon that our Government is bound down by certain other obligations and commitments in the international sphere which disable our Government from proceeding with the right international policy which it ought to espouse. Actually, in the economic sphere, if we are going to wait for the good pleasure of the foreign capitalists, who would be sending their capital to us to keep us contented and grateful for ever and ever; if we take that attitude towards the foreign capitalists, surely we cannot adopt in regard to them the kind of measure which the country expects the Government to do. But, still I am happy that Government, at any rate, has realised its sense of responsibility in this matter to a limited extent—at least the Statement of Objects and Reasons puts it very clearly that the experience of the attempt to collect statistics from foreign concerns was rather unhappy—and that some attempt is being made through the instrumentality of this Bill to correct this deficiency.

There is one other very general matter to which I wish to make reference, and that is in regard to the collection of statistics. It is a very important subject because we have read in the report of the Planning Commission umpteen times that the work of planning is being hampered and hindered because of the lack of adequate statistics. I think if a statistical effort is made to find out from the report of the Planning Commission the number of times where reference has been made to the inadequacy of our statistics, that would be a most interesting and revealing study indeed. Therefore, I believe that it is very important that Government should try to take this House into confidence regarding the steps which they propose to take about the collection of statistics. I mention this matter because, lately, some very unsavoury controversies have come to light regarding the collection of statistics. We all know about the work of National Sample Survey. When the first report of National Sample Survey was issued

it created quite a sensation, because its estimate of production of foodgrains was greatly in excess of the official estimate which has hitherto held the field. I have got the discrepancy here. For the year 1950-51, the National Sample Survey had computed the total consumption of foodgrains at 60·16 million tons. But, the official figure for production in that year was 48·15 million tons. Excluding gram which was not consumed as human food, it was 44·8 million tons. There was thus a difference of over 35 per cent. This kind of difference created quite a sensation at that time and naturally people made not very graceful comments regarding the position of our present collection of statistics. I have nothing specially to say against the Indian Statistical Institute, which, I am sure, on many occasions, has done very important work. I have nothing against the National Sample Survey as such except that I consider that the work of National Sample Survey has not been followed up in the manner in which it was promised it would be followed up. For example, the question of finding out the margin of error has not been pursued. Unless that question is pursued, we do not really have any valuable conclusions and deductions from the report of National Sample Survey. Actually, the second report of the National Sample Survey is overdue; we do not know what actually is going to happen. In the meantime, a very unsavoury controversy has arisen between the Indian Statistical Institute at Calcutta which was entrusted with the work of this National Sample Survey and the Gokhale Institute of Poona of which Prof. Gadgil is the head. These two organisations, which should have been complementary to each other, which should have co-operated in the task of furnishing materials on the basis of which the enquiry into national income could be completed—the first report on national income came out two years ago and nothing has been heard of it since—are at logger heads. Prof. Gadgil has issued a statement which is extremely disquieting. I do not want to go into the merits of the matter because we are not in possession of all the facts and we cannot really pronounce any opinion on the merits. But the fact that under governmental auspices there are two statistical institutes at logger heads, that this unsavoury statistical struggle is going on, is something of which we ought to take note specially at the time when a Bill for the collection of statistics is before the House. Prof. Gadgil is extremely critical of the idea underlying and the purposes of National Sample Survey. He has also referred to the different agencies which the Government has in its different departments for the collection of statistics. These different agencies, I am sure, have done very important work and I hope they will continue to do their valuable work. But, a fear has been expressed that there might be an attempt to centralise the collection of statistics in a manner which would not really help the interests of the country as a whole. Prof. Gadgil has gone very far in his reference to this matter. He has talked about the different governmental agencies which carry on routine administrative operations and in the course of such operations, collect statistics. He says that now a sort of an all-purpose national sample survey is going to be undertaken and adds:

> "This will necessarily lead it to encroach on sphere after sphere in an extensive imperialist drive."

These words 'imperialist drive' have been used by a very eminent economist who is also something of a statistician. He expresses serious misgivings regarding what is going to happen. I do not want to take sides in this matter, because I am not competent to do so. I have not got all the materials before me. I cannot even make an effort to find out where justice lies. But this is, surely, a matter of very great importance. Our entire economic planning is contingent upon the collection of statistics. Unless the

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collection of statistics is placed upon a really sound basis, nothing really germane to the economic progress in our country will ensue. Therefore, I say that I welcome this measure of Government to tighten up its authority and extend its authority in regard to the collection of statistics from private agencies, firms, companies and so on, Indian as well as foreign. I wish that, as soon as possible, Government brings forward further legislation or at least informs this House regarding what it is actually doing about a comprehensive and accurate collection of statistics in the different departments of our economic life.

Of course, I know, that there would be an assurance given from the Government Benches that something is being done. But, in spite of my very short experience of parliamentary life, these assurances are falling rather flat because they do not seem to be implemented usually by the kind of action which we expect. At any rate, I can do no better than just express my expectation and wish that the Government should come forward with comprehensive statements and comprehensive legislation, if it is so advised, regarding the collection of statistics. I wish the Government does pursue the task, which it had taken up very haltingly when it tried to collect statistics about Indian employees in foreign firms, and try to put into operation this measure before us. I hope also that the House would tighten up particular provisions in such a way that those who want to evade the responsibility of supplying statistics are not allowed to get away with it.

Shri Tek Chand: I rise to support the policy underlying this Bill. There is no denying the fact that statistics are a vital necessity for a growing economy like ours, and that paucity of statistics can lead to unfortunate results. Inaccurate estimates may be harmful. There may be other miscalculations. Therefore, every conceivable power that the Government should have for the purposes of collecting facts, and eliciting information, should be given to the Government willingly and wholeheartedly. But, the Bill, as in some parts it is worded, requires reconsideration and certain clauses need recasting. So far as the fears expressed by my hon. friend Tulsidasji are concerned, to my mind, these fears are more illusory than real.

In clause 3(a) and 3(b) it is said:—

> "(a) any matter relating to any industry or class of industries;
>
> (b) any matter relating to any commercial or industrial concern or class of commercial or industrial concerns and in particular any matter relating to factories".

He has not examined carefully the words that precede and the words that follow; *i.e.*, "statistics shall be collected on any matter relating to any industry or class of industries". That is to say, the enquiry is going to be converged to both commercial and industrial concerns. No doubt, that enquiry would span every conceivable branch. That is as it should be. Therefore, it is not that the officer in charge of statistics is going to have a roving enquiry into the private affairs of those who are running the concerns. There is no such thing. Statistics are to cover all those matters which Government consider worthwhile and which have a bearing on the commercial or industrial activities of that particular undertaking. Therefore, clause 3 using the words "any matter" is not as drastic as it is alleged to be. But I have my apprehensions regarding the lucidity of the language involved in the penal clauses, *viz.* 8, 9 and 10. I am inclined to be in humble agreement with Pandit Thakurdas Bhargava as to what he says about the language "impedes the right of access to records". In matters of prosecution where precise language is the desi-

deratum it may be difficult either to successfully prosecute the guilty people or you may be prosecuting those who are not to be prosecuted.

There is another matter and that is as to the punishment. The punishment imposed in the case of such offences shall range up to Rs. 500 but in the case of subsequent offence the punishment becomes an additional fine of Rs. 200 for each day during which the offence continues. To my mind it is not in consonance with the principles of penal law. So far as clause 9 is concerned, which is the basic clause for purposes of offences by companies and by others, that needs recasting because it indicates a very serious departure from the well-known canons of criminal jurisprudence. One basic rule of criminal jurisprudence is *Actus non sit Reus, Nisi mens sit rea*, that is no act is considered penal unless it is followed by a guilty intention. Therefore, the guilty man is the one you shall punish; not a negligent man, not a clumsy man, not a careless person. No doubt, there are occasional departures where persons though not guilty in mind, though their intention is not criminal, nevertheless because of the serious exigencies of the action involved, man have to be punished in order that they will be on the alert. There is in such a case, an understandable departure from the basic principle but in this case not only persons are going to be punished who have deliberately departed from the letter of the law but also for their neglect. But, negligent act should not become the subject matter of criminal conviction, this is abhorred by criminal jurisprudence. Therefore, to that extent there appears to be a very serious departure from those well-understood laws, which govern cases of punishment for crimes.

Then again there is another contradiction so far section 9(1) is concerned. It is understandable that you have a right to punish the company. That is something known and then you are also punishing persons who are responsible to the company for the conduct of the business of the company as well as the company and then it proceeds to say that such a person or the company shall be deemed guilty of the offence and shall be liable to be proceeded against. To that extent I do not find fault with the Bill. But, clause 2 to my mind contradicts what is stated above. That is to say, you are punishing the persons who are responsible to the company in the first part and then you go back again and say "notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been due to negligence on the part of a director, manager, etc. he shall also be deemed to be guilty of that offence. Thus in the earlier part you are going to punish those persons only who are wilfully guilty and in sub-clause (2) you go back on what you have stated in sub-clause (1) and say that for mere negligence as well you are going to punish. I am sure the framers of this Bill if they were to concentrate will be in a position to bring out an improvement whereby the object of the Bill may be incorporated without involving any contradiction. Then again, not only criminal jurisprudence abhors punishing people who are not deliberately, knowingly or intentionally guilty but who are guilty of negligence. But, criminal jurisprudence also abhors punishing people vicariously. To some extent vicarious punishment in the case of crimes may be involved. That is understandable but on the whole if you punish people for no fault of theirs, but for that of some other person my respectful submission is, it will be a serious departure from the well-known and well-understood principles of criminal law. In clause 10, so far as the officers in charge of collecting statistics are concerned, they will be punished only for wilful disclosures. Why should the officers not be punished for

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negligent disclosures? If they are giving out information which they have no right to give, which they ought not to give out, which they are enjoined to keep confidential, in their case, you will punish them only on the rare occasion when you are in a position to establish that they have wilfully disclosed the information. Therefore, if negligence were to be treated as part of an offence for this Bill, then gross negligence or culpable negligence should certainly be made punishable so far as divulging of information improperly by the persons in charge of statistics is concerned. Therefore, in any case, if you include punishment for deliberate acts or for gross negligence, it would be perhaps in the fitness of things to include officers among persons liable to punishment. With these remarks, I support the general principle underlying the Bill.

Shri Joachim Alva (Kanara): This is but the beginning, beginning in the sense that rupees 160 crore approximately are remitted every year from the gross earnings of foreign firms in India.

I raised the matter of the foreign firms in the Provisional Parliament of India and I blacklisted 13 mighty firms. I may even mention them by name without any difficulty—Firestone, General Motors, Bird & Co., Andrew Yule & Co., J. Walter Thompson; the others I cannot remember today—and at that time when I raised this matter on this floor, not one journal in India dared to publish any particulars of my speech, the reason being that the entire Indian press is under the hegemony of the foreign firms, of the rupees five crore of advertising that goes down the gullets of the Indian journals, and the only paper that dared to publish my speech was my own paper, the *FORUM*, with the result that three foreign firms—especially Firestone, I make bold to say, and Imperial Chemicals—which till then advertised in my paper, cut out their advertising. I make no bones about it, but I want to say that the Indian press which was noted for its patriotism, character and guts, at the worst period of our history under the British, could not stand up to foreign firms where rupees, annas and pies were concerned—I mean even leading journals which have led public opinion in this country. As long as Indian advertisers, as long as Indian businessmen do not come into their own, as long as they feel that their duty is absolved with spending half a crore every year, as long as Lever Brothers which rules half the world, which rules Nigeria, Africa and other countries, and which is trying to raise its head in this country, and perhaps might become another East India Company, is permitted to spend rupees 70 lakh in advertisement and raise its mighty head to the detriment of our own soap concerns, we have no future.

I said we have made a beginning because the Government of India was still groping in the dark. They did not know how to proceed in the matter. After all, they had to proceed cautiously. After all, they have to be armed with powers. The Government of India is seeking foreign aid, foreign capital, and does not want to get a bad name abroad that it is out to expropriate foreign firms, though there is a good bulk of opinion in this country wanting to confiscate foreign capital. As I said, rupees 160 crore are exported out of this land every year. But what about the Indians employed in those firms? The Government of India is seeking powers, to have those powers in its armoury, and the powers are merely statistical, merely informative. We want to know how many young men are employed in those firms. Our young men go to England, America, Germany, get training in scientific and other technical subjects and come back without being able to find a job of dignity when the Government avenues are perhaps closed. This subject of foreign firms is going to be very, very important. No other party in

India gained more by partition of the land than these foreign firms. Perhaps, foreign firms gained the most. They strode India like a Colossus, went out to Pakistan and opened branches. Even as it is, I blame the Commerce and Industries Minister if, as the rumour goes, Lever Brothers has been given permission to open another factory which is to the detriment of small factories, which will be wiped out and will go to the wall—not because we do not take bath. The Hindus are noted for keeping the sanctity and cleanliness of their bodies, and they had their baths with or without soap, with or without soapnut. So, we do not want Lux or other things to be strewn into our land so that the money may go out of our land.

I remember when I went down to Calcutta after I raised the matter of foreign firms. I visited Bird & Co. I just went and saw their board and was shocked to see there were nearly 200 foreign names, and hardly two or three Indians. One of them was a Knight of the British Empire and retired I.C.S. mah. Bird & Co., and Andrew Yule & Co., are the remnants of the East India Company on the banks of the river Hooghly. The empire of the British may have been washed away after Independence, but their economic policy does not show any signs of decay and continues as strong as ever.

The Government of India has done the right thing; the enterprising Commerce Minister and the Minister of State have started well. They wanted statistics, and they were able to get information from 1,200 firms. These firms sent out information as to how many of our young men were there now, how many old Indian hands who have spent all their days, 30, 35 or 40 years, who have been placed at the end of their careers on a salary of Rs. 1,000. As against that, 1,300 foreign firms have not supplied any information. They say: "We refuse to supply information. You do what you like. We shall blackmail you into submission". And this is how our Government goes on.

Take Burmah-Shell. In Paris they have a branch, and I am told the French people told them: "Look here. You have got the Shell Company. You may do whatever you like in South East Asia. Here, the French Government will guarantee your profit; the French Government will guarantee the security of your concern, and beyond that we shall not allow you to employ a single non-Frenchman in your company", whilst in India, the whole of Burmah-Shell, Caltex or any other foreign firm, from top to bottom, in posts carrying over Rs. 1,000, is strewn with foreigners.

When I raised the matter in the Provisional Parliament of India, I fixed the sum of Rs. 1,500. As a test for employment of Indian executives. It is easy to give a man up to Rs. 1,000 when he is retiring after 30—40 years of service. How many Indians are there with that salary in foreign firms? If there are not enough Indian executives in foreign firms which collect rupees two or rupees three crore net profit every year, then it is high time the Government of India should ask how many Indian employees they have at the top. Unfortunately, this morning I did not get a chance, though I wanted to ask the Prime Minister how we could forget Egypt, which suffered for decades because Britain prized the Suez and kept Egypt in bondage so that India may be firmly kept for them. You cannot have a foreign firm in Egypt without Egyptian employees at the top, or without fifty-one per cent. capital of their own, while we are still making a beginning in our land. And if our Government and Ministers are making a beginning, let us give them all the power at our command, let us give a long rope to all these foreign firms to hang themselves, so that sooner or later our young men who have picked up technical knowledge in America, Europe, Germany, Soviet Russia or

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Czechoslovakia or anywhere in any part of the world, may be ready to take up these factories whenever that day comes, may be ten or fifteen years hence, when everyone of these factories shall have to be owned, manned and run by Indians only without an iota of money going out of this land. We have allowed the draining of our national wealth at the rate of rupees 150 crore or even rupees 200 crore every year to go into the treasury chests of European, American and British businessmen, and today the East cries that there shall be a halt. We now know how to run aeroplanes. If our young men can run aeroplanes with safety, ability and diligence, why not we run electric engines or the mighty wheels of any other industry? The secrets of these industries were not known to us. Our great indigenous industries like Dacca Muslin in which we pride ourselves have been ruined by the East India Company. Our domestic, village and cottage industries never got a chance. These foreign industrialists have sat on the apex, at the top of the world, ruining our population, without giving employment to our young men who are trained, who have aptitude, who have knowledge, and who have got the desire and aspiration to run these industries. Today, this Government of India, in a free and independent India, are still trying to please public opinion, whether in the United States or in Britain, and we have gone to the farthest extent in pleasing the foreigners and foreign businessmen. I still know how foreigners come and say, "Oh, you should always know what foreign business means; you will have to come to our country and see how foreign business runs." They refuse to see through our own spectacles, and understand through our own minds. I say, with all the sincerity at my command that this matter of the foreign firms is integrated closely with our economy, as I said on a former occasion on the floor of the House. If by chance, we are thrust in times of crisis or war, then every foreigner in our land will be a saboteur, a fifth columnist, acting against the security and economic strength of our land. Today, the Government of India are seeking to arm themselves with the minimum, ordinary powers by which foreign companies or firms shall be compelled to give information as to how many Indians they have got. This is merely a thin end of the wedge; we cannot go ahead. Unless we have got light in darkness, we cannot hope to clear our house of the mess. Therefore, I must tell the hon. Minister of Commerce, what you want to arm with by the right arm, do not give away by the other hand. I mean what I say, because when one firm, the Godrejs, who have been known to make strong, impregnable safes are launching on an enterprise to manufacture our own typewriters in our own country, do not give away the advantages, by, on the other hand, allowing foreign firms such as the Remington Company to build up a Remington factory in India. What you secure by the right hand will be washed away by the counter-motion of the other hand. Similarly also in the case of many of our industrial products, if we allow them to be built up in our own land, then by giving free import licences for the same products, you destroy advantages secured by the first method.

These are very important considerations. We shall set our goal ahead. Let us know what our objectives are. Our hands should be clean and above suspicion. Above all, we must clearly know the methods we are adopting, though they may be slow, and may take a long time to yield fruit. Thus we shall build up an effective economy of our own.

Shri Nanadas (Ongole—Reserved—Sch. Castes): Though the Bill before the House is a half-hearted one and restricted in its scope, still I am in agreement with my hon. friends Mr. Mukerjee and Mr. Alva, in welcoming it as far as it goes. It is an established fact that statistics will help to make a scientific study of all problems, and

to have a correct understanding of social and economic problems affecting the people, and thus help to formulate correct administrative policies of state.

I entirely agree with the hon. Minister of Commerce, that the smooth running of the official machinery increasingly depends on an adequate supply of up-to-date statistics, and in a social welfare state, where the Government control and regulate the national economy and many other needs of the people, statistical data are quite essential. But I doubt very much whether this Government are really controlling and regulating our national economy, or whether only a few monopolist capitalists and industrialists are controlling it. The running of the community through its institution of Government and business depends very much on statistical information. It is much more so in our country where industrial production and business management have become concentrated in fewer hands, and the Government's intervention has become an inevitable necessity to plan our economic life.

Planning is the order of the day, and without statistics, planning is inconceivable. Therefore, we must have adequate and uptodate statistical information on important subjects like national economy, trade, industrial and agricultural production, wages, earnings, housing, employment, unemployment, etc. On all these vital topics, accurate and uptodate information is necessary. But our present Bill is only a restricted one, and there is no provision in it which will enable us to get such information. The collection and publication of statistical data is largely the function of Government, and more so in a welfare state. But what is the position of our Government's storehouse of official statistics? Can we get full information on all these topics, from the statistical data published by our Government? Can we get accurate information on subjects like trade, industrial and agricultural production, public finance, vital statistics, agricultural statistics, etc.? We shall see presently what kind of statistical data we have on these various subjects that I have mentioned.

The estimates of our Five Year Plan are mere rough estimates, based on guesses and inadequate and scattered data. For instance, on page 14, paragraph 9 of the Five Year Plan, it is stated:

> "Very little information is available on the rate of investment and on the trends in national economy in India in the last few decades."

Please note the word 'decades'. The paragraph continues:

> "Rough estimates are based on scattered data....."

Again on page 326, paragraph 5, we find

> "The information available on the subject of existing small scale industries is extremely meagre."

Mr. Chairman: May I bring it to the notice of the hon. Member that this Bill is intended to facilitate the collection of statistics? Whatever lacunae there may be in the previous statistical data need not be referred to, while considering this Bill.

Shri Nanadas: I am just pointing out the necessity of having comprehensive statistics and adequate and uptodate information on the various subjects. Often the information that is furnished is not recent enough and so does not throw light on the problem.

Again on page 380, paragraph 2, it is stated:

> "Exploration of mineral resources has not been thorough or complete in most cases, and the present estimates are rough guesses."

On page 521, paragraph 102, we find:

> "The collection and compilation of vital statistical data are defective in completeness and accuracy."

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On page 650, paragraph 3, we find:

> "There have been no attempts so far for collecting statistical material on employment and unemployment."

There are many such instances of lack of statistical data, which we find as we go through the pages of the Five Year Plan.

The position, therefore, of our official statistics is very meagre, and not uptodate. Nobody can deny the need to collect accurate and uptodate statistical data on each and every subject that affects the economic and social conditions of our people. Why should not the Government come forward with a comprehensive Bill designed to achieve this object? Why should they come only with a half-hearted measure? I fail to understand the objectives of the Government, in bringing forward this half-hearted measure.

What purpose is it going to serve? What is the definite programme that Government have for collecting and publishing statistics regularly from year to year on industry and commerce? It is not made clear in the Bill. These are the things on which I seek clarification from the hon. Minister. In the Statement of Objects and Reasons it is stated that it is expedient that Government should be armed with powers to compel all concerns engaged in industry and commerce to furnish statistical information, but it is not stated whether the Government have decided to collect and publish statistics regularly. The Government have not taken the responsibility for this purpose and it is also not clear from the Bill how far it will help us to get complete and accurate data with regard to industrial and commercial undertakings. It is not made clear in the Bill whether the statistics mentioned in the Bill are required for regular collection and publication. There should have been a provision in the Bill for fixing responsibility on the Central and State Governments for the regular collection of statistics, but we find none in the Bill. It is left to the sweet will of the Governments concerned. There should also have been a provision in the Bill for the constitution of a Committee consisting of officials, Members of Parliament and experts so that this Committee can see to the proper implementation of the provisions of the Bill and also recommend to the Government collection of proper statistics with regard to other subjects.

Anyhow, though it is a half-hearted measure, in concurrence with the previous speakers, I support the Bill subject to the amendments moved by me, Mr. Nayar and Mr. Bhargava.

Shri A. K. Dutt (Calcutta South-West): Sir, I am thankful to you for giving me an opportunity to say a few words on this Bill. I support this Bill. The object of the Bill as stated is:

> "Recently, in order to assess the extent to which foreign owned and controlled firms engaged Indians and foreign nationals, a notification calling upon all undertakings to furnish the statistics was issued in all important English daily newspapers all over India. The response to the notification has not, however, been very satisfactory. Though Government can exert pressure to make certain firms submit returns, it is expedient that Government should be armed with powers to compel all concerns....."

The object is no doubt laudable. Although it is a rather belated one, it is not too late. If the Government proceed in right earnest, they can give some redress to the people. I am coming from a constituency which comprises a part of Calcutta and its suburbs. There are a number of middle class educated people there. They want to serve and do any work going about in search for service. They

come in hundreds to us expecting that we being in Government, would be able to give them some help. But our power is limited. The Bengal Government also cannot do anything. They are too full with the refugee problem. The result is that they are getting no redress from Government quarters. There is the other alternative: they can get employment in private enterprise—commercial and industrial. In Calcutta, it is a notorious fact that most of the private enterprises are controlled by foreign owners, with a sprinkling of Marwaris, Punjabis or Bengalis. But the fact is that these foreign owners control the Calcutta market and regulate the business relations. To satisfy them, these Indian owners merely follow their policy and want to be in their good books. The result is, as my friend has just now said, that we find in the list of officers of Martin & Burn a number of foreign names. After Independence, it was expected that we would get some redress in this matter. In the beginning it was noticed that there was an attempt to Indianise the services. But that attitude has already changed. It is no longer the policy of these firms in Calcutta, both Indian and foreign, to Indianise their staff. That explains the non-co-operative attitude to submitting returns. The result is disastrous. The people going around for service are getting frustrated without getting service. This is a dangerous situation which has arisen in Calcutta and the genesis of the recent Calcutta disturbances can be traced in this. I hope the Government will not end their duty with merely getting the statistical returns but implement the object of it. We must not allow foreign firms to practise a racial discrimination policy on Indian soil.

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): Sir, I beg to move:

"That the question be now put."

Shri Sarangadhar Das: No, Sir. I have been standing up and sitting down the whole morning. No one from this party has spoken.

An Hon. Member: No question of party.

Shri Sarangadhar Das: There is the question of party.

Mr. Chairman: Order, order. I have been watching the discussion ever since I came to the Chair and I did allow a certain amount of latitude so far as the foreign firms and others are concerned, because indirectly that matter comes up. But so far as the question of facilitating the collection of statistics is concerned, I think everybody is agreed. Under the circumstances, I think it should be kept before everybody's view whether it is desirable to continue this discussion longer as, especially, on the main point there is not likely to be much difference. However, I will allow the hon. Member to speak, if he wants to speak something new, and then I will put the question.

Shri Sarangadhar Das: This is new. I never say anything stale.

I am very glad to support the Bill. It is belated and that is what I wish to speak of. I remember in 1947 when we attained our independence, foreign firms began to pack up, sell their interests to Indian capitalists and go away to England, back home. And there were cases of Indianisation also. I am rather surprised that this Government have come to realise now how this situation has changed since 1949; they have realised this too late. It is because of the weak-kneed policy of this Government that some of the interests which had gone back home to England returned in 1949. When they saw our Government was weak-kneed, they began to ride rough-shod over the Indian employees in their concerns. The injustice done to the nationals of this country on the soil of this country came to a head last year when there was so much agitation in Calcutta, and then the Government had to issue that notification

[Shri Sarangadhar Das]

wanting figures from firms as to how many Indian employees they had under different categories.

This is a situation that would not be tolerated in any other free country. Many years ago I had lived in America where British capital was building up American industry. It was all British capital but the brains that were working those firms were all native American and not Britishers imported from England. Although belated, this weak-kneed Government is getting a little strength in its knees and that is because of so much criticism all over the country, and I hope now that statistics will be secured by the operation of this Act. It must be enforced properly so that the Government will have proper knowledge of what is happening in these firms. When I mention foreign firms, I do not want the House to understand that I am anti-foreign and against foreign interests. As long as the law is there and the Government allows foreigners to come and operate here and as long as it is necessary for us that the foreign firms should be here because of their technical knowledge, and, in some cases, because of the huge capital in certain industries. I am not against foreign firms and I do not discriminate. I am glad to know that in this Bill there is no discrimination. I mention foreign firms because the thing has come to the surface last year and because it is mentioned in the Aims and Objects of this Bill.

I will also say about the Indian firms where the managing agents' or directors' sons, brothers and other relations who many not be fit for the jobs are employed while duly qualified persons are not employed or duly qualified persons are replaced by the relations of the managing agents or the directors

Shri Velayudhan (Quilon *cum* Mavelikkara—Reserved—Sch. Castes): Is control of employment envisaged in the Bill?

Shri Sarangadhar Das: My dear friend will know when he works in some industry. I have worked in an industry and I know how qualified technical men are replaced by the relations of the managing agents or of the directors or the proprietors. By collecting proper statistics these things will be known to the Government and then they will find ways and means of stopping these cases of nepotism, because as an ex-industrial technologist I can say from my experience that Indian industry suffers to a large extent because of this nepotism on the part of the managing agents, proprietors and directors of companies. Therefore, when you get statistics, you should get them not only from the foreign firms but also from Indian firms because guilty ones may be there also.

There is another thing that I wish to mention. This is not a complete Bill. I don't know how it has been left out. I see here in clause 2, sub-clause (ix), 'a rubber, tea, coffee or cinchona plantation'. In this generation of ours, there are all kinds of plantations of one thousand acres and 500 acres that are growing up. For instance, many of the sugar factories in India have plantations of their own anywhere between 500 acres and 5,000 acres. I do not know why such plantations are not included in this sub-section. They also employ a large number of unskilled and skilled labourers and technical men and it is necessary to find out whether labour is being properly treated or not, whether the technical men are getting all the facilities or not and whether in place of Indians there are European technical men. I, therefore, suggest that this sub-clause (ix) may be rewritten to include such other plantations as are growing up besides rubber, tea, coffee and cinchona, which have been here for several decades.

As far as the fear of some of the capitalist interests is concerned. I do not see any objection to "any matter" relating to any industry or class of industries which has been dealt with at length by other speakers: I do not want to say very much about them. At the same time, I see no danger there of any one to be treated badly without any reason or without any ground.

As far as vicarious punishment is concerned, I want to say something from my own experience. It is very necessary because of my experience that in the case of limited companies or private limited companies the managing agents must be held responsible and not only the manager. I have been a manager in several concerns years ago where I was a scapegoat for anything that happened. The proprietors, the Indian proprietors have told me, "Well we have got to go on; as managers you must be hand-cuffed if something goes wrong with regard to the Factories Act or the Workmen's Compensation Act.' It is well known that a manager is employed, is given a salary simply to answer all the purposes of the Factories Act, the Workmen's Compensation Act etc. It may be that due to the negligence of the managing agents any accident takes place in the factory and the manager is held responsible. He is hauled up in court and is punished. Therefore the provision of holding the directors and the managing agents responsible when the company is delinquent in not supplying the statistics is quite correct.

Shri Satya Narayan Sinha: Sir, I beg to move:

"That the question be now put."

Mr. Chairman: The question is:

"That the question be now put."

The motion was adopted.

Shri Karmarkar: I confess that it will not be possible for me, nor is it necessary, to cover all the minute points made during the course of the general discussion. For my own instruction—since this Bill is connected with statistics—I have tried to make a statistical collection on the discussion of this Bill.

I find that the time taken on this measure at this stage was about two hours and fifteen minutes; the number of speakers was eleven; the number of points, big and small, not less than 30; points which need, in my humble opinion, to be replied to at the present moment, 10; broad groupings would be three. Out of respect for my hon. friends, I would not give the number of points which, in my humble opinion, are irrelevant. The total number of amendments tabled is 28. Amendments necessary, in our opinion, nil. That is the brief statistical position regarding the discussion on the Bill.

Now, coming to the points, I was rather dismayed by an observation—I hope it was casual—by one of my hon. friends sitting over there, that the need for statistics has now disappeared. He asked: "What is the purpose of this Bill?" I was dismayed, because I thought that the Bill allowed of no doubt whatever. The purpose of economic statistics is the development of proper economic conclusions. That is the sole purpose.

Then, there was another small incidental complaint made. Why can't we undertake to publish the data? Government publishes whatever matter it considers relevant. In a case of this kind, under the old Industrial Statistics Act, as also under this Act, when we invite various concerns to give information which is of a confidential nature, any attempt at publication, would naturally militate against the very purpose of the Act. With the consent of the parties it may be possible to publish information which we consider necessary. But I wish the House approves the broad and general purpose of this measure and that is exactly an extension of the provisions of the old Act.

[Shri Karmarkar]

I was in one respect disappointed. What I was expecting to listen to this morning was a sort of review of what Government have been able to do by way of statistical information, especially in the field of economics, and possible measures to improve our methods. For instance, we have reasons to be gratified on this side of the House: our overseas trade statistics are fairly satisfactory. Then again, under the Industrial Statistics Act we have been compiling and publishing in a general manner monthly publications regarding industrial statistics. To our mind it is fairly satisfactory. I was looking forward, since we are including commerce and trade in the purview of this Bill and making it a fairly comprehensive measure, to suggestions as to how we might possibly improve our work. I say I am disappointed, because on that rather vital point, the light that has been thrown during the course of the discussions—I mean no disrespect whatever to hon. Members who have spoken—has been nil, though certain points have been made which in my opinion do not require elaborate discussion. Perhaps owing to the fact that in the Statement of Objects and Reasons we made an incidental reference to our attempt at gathering information regarding foreign concerns in India, I note that about one-third of the time has been taken on foreign concerns operating in India.

One of my hon. friends said that is the main purpose of the Bill. I should say, without any offence to him, that he makes a very great mistake if he considers that the whole purpose of the statistics we collect is simply to invite our own attention to one problem, namely, foreign concerns in India. Now, the purpose of statistics, as I said in my observations at the commencement, is that no economic conclusions can be said to be sound unless we have proper economic statistics. To mention an example, as I said, in the United States, there are weekly statistics published regarding retail trade, retail shops, how much out-turn, how much purchases and things like that. A publication like that, if it were possible in our country, would be an extremely useful thing; but it would be very difficult in our country. The general purpose of this Bill is not designed to cover only one aspect of proper utilisation of such statistics, but to cover, as much as possible, the whole field of industry and trade. I will not dilate on that point because I find that there is general concensus of opinion regarding the necessity of collection of such statistical information.

Then, again, alluding to the point very briefly—because silence on this point might be misunderstood—there has been a lot said about foreign concerns in India. My esteemed senior colleague, the Minister of Commerce and Industry, thought seriously about this problem, and though we had no legal powers as such we invited all the concerns to give us information connected with the employment of nationals *versus* non-nationals. I am happy to say that a large number of companies concerned saw reason and supplied us the information. We tried also in other proper ways, effective ways, to see that other concerns also gave us the information. By and large the results have been satisfactory, as far as collection of information is concerned, though not the conclusions reached. That was not really a very major problem, though it was unsatisfactory to note that a small percentage of concerns did not give us the necessary information. We, on this side of the House, do not share the difference expressed on the other side of the House.

Shri Sarangadhar Das: The Statement of Objects and Reasons says that "it was not very satisfactory". What the hon. Minister says now does not tally with it.

Shri Karmarkar: Unsatisfactory to the extent to which the firms did not comply. We want complete informa-

tion. Even if 10 per cent. did not send information, it was absolutely unsatisfactory from the statistical point of view. I do not like the House to be under the impression that our attempt in that direction was absolutely defeated,—that we had in fact feet of clay. I heard the hon. Member saying that at least now the Government is strong. I would put it just the other way. It has been strong all the while, all these years. I am very happy that my hon. friend has been discovering now at least wisdom and truth.

Shri Sarangadhar Das: The Government has been in power; you could have had it five years back.

Shri Karmarkar: At the present moment my time is limited. I am prepared to listen to him and speak to him as long as he likes, and I am afraid he will not be the better of the two in speaking and listening.

Now, I come to the important points. I said I will not dilate on this point of foreign firms. I am quite sure that foreign concerns which are affected by the measure know our opinion in this matter fully well; I am quite sure that they will have noted also the sentiments expressed in this House. It is quite obvious that where we allowed foreign capital to come in, or foreign interests to come in, we have done it after due deliberation. It is not as if Government follows an erratic policy; it has followed a steady policy, and sometimes makes reservations in its policy, as it chose to make in the case of the recent oil refinery projects. Roughly and broadly the policy has been stated very clearly in the Prime Minister's statement. Wherever we consider foreign capital or foreign interests' participation helpful in the interests of the country, we permit it; but we have a major voice, or a major share in such participation, unless the matter is so unimportant, or so insignificant, that it does not matter if the foreigner has his own way in respect of capital. But by and large, covering the whole major field, our policy has been to subject every item of foreign participation to vigorous scrutiny. Of course, we do not agree with that school of thought: "Hands off all foreign interests." We do consider it proper, in the present state of economic progress of the country, not only to permit, but in some cases, to invite foreign capital, not on their terms—the House will appreciate—but on our terms. So far as our policy regarding foreign participation is concerned, I think the House will find very little reason to disagree with it, unless it accepts the doctrinaire view of certain hon. Members opposite that whatever is foreign must be kept out excepting, of course, foreign ideology. Our policy has been clear in this regard, namely that we have in no way discriminated in permitting foreign capital. Opinions might differ in a particular case. Wisdom also may lie elsewhere. I do not say that all our decisions are sacrosanct and free from error. No government can say that. But we have tried to see that foreign participation has come on justified and justifiable grounds.

Having said that, I do not think I need dilate on the points made in respect of foreign concerns. I think the House is well aware that we are definitely of the opinion that when a foreign concern comes to India, in their own interests and in the national interests it will be good for them to have as large a number of Indian personnel as possible, unless the employment of foreign personnel is unavoidable for technical or other reasons. That has been our opinion and that has been the way in which we have tried to exercise our influence. The House has the same opinion, as it has expressed, though in intensity it might vary.

Coming to the several points, I would sub-divide the points under three principal groupings. One point of view is that the Bill is too wide in respected of its purpose as also its application. We have been castigated

[Shri Karmarkar]

for taking powers to have information on any matter. With all respect to my hon. friend I tried to analyse and devise for myself any alternative definition. The only alternative definition I was prepared to offer to my hon. friend Pandit Thakur Das Bhargava was that instead of putting in "any matter" we might put "such matters as in the opinion of Government are necessary for collecting information". And I was almost sure he would accept it. But my misery was that in substance it was not different. "Such matters as in the opinion of Government are necessary for collecting information" is the same as "any matter". So I am at a loss to know and I am waiting for some light on this point.....

Pandit Thakur Das Bhargava: It could not have been otherwise. I supported you in this matter.

Shri Karmarkar: I am very sorry. He so vigorously supported me that for a moment I misunderstood that he was opposing me! I accept the correction. But regarding that matter we have to be given the discretion in respect of the matters on which we want information. We are not going to ask for the number of children a manager or a director has—unless it is related to industries, trade or commerce! All that will be irrelevant. We do not want the power to be unlimited: at the same time to me it is impossible to define in what respect we will have to ask for information.

Then there was a point or two made by my friend, Mr. More. He was worrying about the word "wilfully". I think it might be good for me and the House if I just hurriedly refer to the provisions which are related either to the offence or the penalty section of the Bill. For instance, must has been said about clause 9. Hon. Members are well aware that this is not the first time that we are taking powers and imposing penalties of this kind. We have done this in the case of the Forward Contracts Act and the rest. Taking clause 9 by itself, what do I find? It is a very logical section. In the case of a company there may be sometimes an attempt at evading responsibility. A dummy manager may be put. He may be given Rs. 500 or Rs. 300 and told "your job is to take any penalty that may come, you may supply false information, but if you are in trouble this is your compensation". In order to prevent such a dummy man being made responsible we have said that if a person guilty of an offence under section 8 is a company "every person who at the time the offence was committed was in charge of, and was responsible to, the company" shall be liable. So whenever an offence has been committed by a company, we hold the man who is primarily responsible as liable for that offence. He cannot say; "look here, I am responsible technically, but so-and-so is really responsible." He cannot escape that way.

There was a difficulty about how a company could be punished. The penalty is a fine, and a company could well be fined. We do not want a company to escape the liability on account of offences committed on behalf of the company. Company may be a non-person in the popular sense. Still it has a responsibility.

Pandit Thakur Das Bhargava: Company is a legal 'person'.

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Shri Karmarkar: Yes, and it could be punished. That is the scheme of clause 9(1). So the person ostensibly responsible will be responsible for the offence. If he proves that the offence was committed without his knowledge, an innocent manager will not be penalised. But the burden is cast on him. It is not upon us to prove that he has no knowledge. The burden is cast on him, so that in case of injustice it is obviated. If he proves that the offence

was committed without his knowledge or that he exercised all due diligence to prevent the commission of the offence, suppose he leaves headquarters and asks the next man to take the greatest possible care and finds that an offence is committed, if he proves that it was without his knowledge and that he had exercised all due diligence, he should not be responsible. That is, so far as the person who at the moment was in charge and was responsible to the company is concerned, he cannot escape the liability.

Sub-clause (2) makes a definite provision: "Notwithstanding anything contained in sub-section (1) where an offence under this Act has been committed by a company and it is proved"—that has to be proved by us—"that the offence has been committed with the consent or connivance of or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company"—the attribution should be direct, there should be neglect and the commission of the offence should be the direct result of that neglect, it is not due to any fault but due to neglect and that neglect should have resulted in the commission of the offence—then "such director, manager, secretary or other officer shall also be deemed to be guilty". The House may note the difference between this and sub-clause (1). Sub-clause (1) *prima facie* makes the person in charge responsible. Sub-clause (2) also wants to bring within the purview all such persons who are directly cognizant of any offence being committed or whose neglect has resulted in the commission of the offence and, therefore, who are also responsible. That is to say, it enlarges the sphere of responsibility. That is a scheme which has been well understood and which the House has accepted in earlier enactments. The distinction between the two is not only logical but absolutely necessary if all the persons connected with the breach of this law are to be brought within the purview of this measure.

There have been one or two attempts to dilute or strengthen the provision in sub-clause (a) of clause 8. Sub-clause (a)(i) says "wilfully refuses or without lawful excuse neglects to furnish such information or return as may be required under this Act". There the emphasis is on the word "wilfully" refuses or neglects to furnish. And then sub-clause (a)(ii) says "wilfully furnishes or causes to be furnished any information or return which he knows to be false". There has been an amendment tabled to change it to "which he has reasons to believe is false". Suppose an information is really not false but he has reasons to believe it is false. Should he not also be made responsible? If information which is really correct but which he believes to be false—I mean it leads us rather to absurdities.

Pandit Thakur Das Bhargava: It is both false, and false to his knowledge and belief. If it is true, no prosecution is possible.

Shri Karmarkar: We thought this provision was sufficient, and still feel so; the words are "wilfully furnishes or causes to be furnished any information or return which he knows to be false". He must know it is false and he must wilfully furnish it. Of course, my hon. friend Pandit Bhargava is a better guide on penal matters.....

Pandit Thakur Das Bhargava: "Reason to believe" is wider.

Shri Karmarkar: That is why we do not want to make it wider. We have accepted the mere belief to be false; we have said he must know it is false. We have experience of the Industrial Statistics Act, and till experience proves that a widening of the responsibility is necessary we felt that the Act might be just what it is. So I won't dilate again on that point regarding penal clauses.

Now, as I said earlier, there are points which could be replied but

[Shri Karmarkar]

there are not many that could really be replied at this time. I very much appreciate the general support given to the measure. I am happy to know that the House very much realises the importance of this measure and as time goes on the House will see that very useful use is made of the various powers taken under this Act.

Mr. Chairman: The question is:

"That the Bill to facilitate the collection of statistics of certain kinds relating to industries, trade and commerce, be taken into consideration."

The motion was adopted.

Clause 2.— (*Definitions*)

Shri S. V. Ramaswamy (Salem): I beg to move:

In page 1, line 14, after "public" insert "or private".

"Public limited company" and "co-operative societies" have been mentioned in sub-clause (b) but in order to make it clear I suggest that private limited companies also should be included. In a way, private limited companies are covered by this provisions because "commercial" may mean a public limited company or a co-operative society or any other person or body of persons engaged in trade or commerce. We could have left the definition to read "a firm or any person or body of persons". In that case there might be a doubt. So we have specifically included co-operative societies. My suggestion is that we must include private limited companies also specifically. Of course, under the Indian Companies Act a private limited company will come under a commercial concern but we can make it absolutely clear.

Mr. Chairman: Amendment moved:

In page 1, line 14, after "public" insert "or private".

As the definition now stands, the hon. Member will find that the words "commercial concern" include everything.

Shri S. V. Ramaswamy: My suggestion is that we should make it more comprehensive so that there may be no loophole.

Mr. Chairman: Does the hon. Minister accept the amendment?

Shri Karmarkar: No, Sir.

Shri S. V. Ramaswamy: In that case I beg leave to withdraw my amendment.

The amendment was, by leave, withdrawn.

Shri S. V. Ramaswamy: My next amendment is No. 6.

Mr. Chairman: Is there any difference between "firm" and "partnership"? I do not think he wishes to move it.

Shri S. V. Ramaswamy: No, Sir. I would like to say a few words on my next amendment which reads thus:

In page 2, after line 8, insert:

"(xii) any company engaged in the distribution of goods imported from abroad or produced within the country."

By this amendment I want to add another category to the list included in the Bill. There are certain firms which deal only with the distribution of goods either imported from abroad or produced within the country. Statistics relating to such firms are also very vital and these firms are also big concerns employing a large number of men and investing a large amount of capital. I would submit that in order to complete the statistical picture it would be necessary to get at the facts from these distributing firms or concerns engaged in the distributing trade alone. I don't think Government will find any difficulty in doing this. At present such firms are not included.

Shri Karmarkar: We shall carefully consider my hon. friend's suggestion. I think we can take action under sub-clause (xi) even against such concerns. If later on we find that it is necessary to include them in a distinct category we shall do it. Our difficulty in the matter is this. "Commercial concern" includes all kinds of concerns including those referred to by my hon. friend. There may be a doubt whether the concern engaged in advertising can be included in the category of concerns engaged in the distribution of goods. Regarding companies of that type there might be possible doubt.

Shri S. V. Ramaswamy: I still feel that the definition is not complete. However, I now proceed to my next amendment. Clause 2(d) says:

> "'Industrial concern' means a public limited company or a co-operative society or a firm or any other person or body of persons engaged in the manufacture....."

There are also firms which deal in the assembling, bundling and packing of the goods and I want that we should make this definition more complete so as to include them also. Therefore, I beg to move:

In page 2, line 13, after "manufacture," insert:

"assembling, packing,"

Shri Karmarkar: We do not consider it necessary. There is no harm in accepting it, so I accept it.

Mr. Chairman: The question is:

In page 2, line 13, after "manufacture," insert:

"assembling, packing,"

The motion was adopted.

Mr. Chairman: The question is:

"That clause 2, as amended, stand part of the Bill."

The motion was adopted.

Clause 2, as amended, was added to the Bill.

Clause 3.— *(collection of statistics)*

Amendment made: In page 2, after line 44, insert:

"(xii) labour turnover;

(xiii) trade unions."

—[Shri Karmarkar]

Mr. Chairman: The question is:

"That clause 3, as amended, stand part of the Bill."

The motion was adopted.

Clause 3, as amended, was added to the Bill.

Clause 4 was added to the Bill.

Clause 5.— *Power of statistics authority, etc.)*

Shri Nanadas: I beg to move:

In page 3, line 24, after "any other person" insert "with access to sources of information".

Shri Karmarkar: We think that this amendment is not necessary because the statistical authority can be depended upon to use his discretion properly. It is not likely to serve a notice on a person who has no access to sources of information. This is redundant.

Shri Nanadas: Does the hon. Minister mean any other person having access to sources of information?

Shri Karmarkar: Yes, that is so.

Shri Nanadas: I do not press my amendment.

Mr. Chairman: The question is:

"That clause 5 stand part of the Bill."

The motion was adopted.

Clause 5 was added to the Bill.

Clause 6.— *Right of access to records etc.)*

Shri K. C. Sodhia (Sagar): I leave it to the Government to accept my

[Shri K. C. Sodhia]

amendment or reject it. The amendment is self-explanatory and I do not think it is necessary to plead much about it.

Shri Karmarkar: Our hon. friend has been very generous to leave it to us. But, we think it is not necessary. We are happy that he is not pressing it.

Mr. Chairman: Then, Pandit Thakur Das Bhargava.

Shri S. V. Ramaswamy: I have an amendment, Sir. It is No. 11. It comes earlier.

Mr. Chairman: I shall take up the amendments in the order here.

Pandit Thakur Das Bhargava: I have got many amendments: numbers 21, 23, 25 and 26.

Mr. Chairman: I would like to dispose of every amendment individually. If he wants, he may move amendment No 21.

Pandit Thakur Das Bhargava: I have already submitted the grounds on which I wanted the hon. Minister to reconsider this aspect of the case. I am unfortunate because in his recital of the items, he has not thought it fit to include it as one of the major objections. In fact, while replying to the debate, he perhaps forgot to include it. He did not deal with this argument at all. I am one of those who support this Bill. I would rather like to give to the Government all the powers which are necessary. But, at the same time, I wanted some safeguards to be introduced in this Bill. There are two safeguards which I want to be inserted in this clause. According to me clause 6 should come into operation only after a notice has been given and the notice has not been complied with. If the notice is complied with, the information is obtained by the statistical authority. If notice is given and nobody comes forward to give that information, then and then alone should recourse be had to clause 6. Otherwise, when the purpose is served by giving the notice, and information is obtained, I do not see any reason why the drastic provision contained in clause 6 should be resorted to. This is the first point that I want to place for the consideration of the hon. Minister. Only in cases where there is no compliance with a notice, clause 6 should be resorted to

I want a further safeguard. I do not want that in respect of each and every matter recourse should be had by the statistical authority to this drastic remedy. I would like that the statistical authority should be given the discretion to see whether the withholding of such information would be prejudicial to public interests. Only after he is satisfied with that, can he issue an order which is in the nature of a search order, which is in the nature of an order against a person who is withholding information. Clause 6 says:

> "The statistics authority or any person authorised by him in writing in this behalf shall, for the purposes of the collection of any statistics under this Act, have access to any relevant record or documents.....etc."

Suppose the person in possession of such statistics does not allow the statistics authority to enter the house, what happens? Even if permission is given and no questions are answered, what happens? The records are there. There is no provision for inspection of the records. There is no provision for the seizing of the records and taking them away and utilising them. As I said, the very purpose of the statistics authority to get the return is frustrated by the fact that no such provision exists. Therefore, I wanted that there should be some provision by virtue of which the statistics authority after getting entry and after having complied with the two safeguards, may seize the records, and after taking notes or inspecting them, may return them to the persons concerned. It may be that the

records are destroyed after the inspection, but no copies have been taken. Difficulties may arise in actual practice, and the very object of this rule may be frustrated. Similarly, even if the person gets into the place and asks some questions and they are not answered, the same thing happens, and the purpose is not served. Therefore, I want two things to be done. In the first instance, the statistics authority should not have recourse to these powers without satisfying himself that the withholding of such information will be prejudicial to the public interests and secondly, first of all, notice should be given. This is a very serious matter. Ordinarily this question will not arise. I can understand many circumstances in which a person may be able to harass an industrial concern or a commercial concern or any private concern. The difficulty is that our experiences in life are different. I know that if the hon. Minister or the Deputy Minister had this matter in his hands such a contingency would never arise. It is not for them that I am making these submissions. After all, who is the statistics authority? That authority may be a big person and he may not have recourse to this clause 6. The statistics authority may authorise any person to exercise this power and we do not know how these persons would exercise this power. I am against giving any arbitrary powers to any person whether respectable or not, whether good or bad. I would like those powers to be hedged in by these safeguards. When there is occasion for the use of this power it should be used effectively. What is the use of having a power when you cannot use it effectively?

With your permission Sir, I may say a word about amendment No. 26 also. I do not want to take the time of the House by putting another argument at a later stage In this amendment, I have further indicated that in cases where the statistics authority or a person authorised by him enters the house to search his documents, returns, or papers that may be very confidential to him, for which provision has subsequently been made—such information cannot even be divulged by the officer concerned—the provisions of the Criminal Procedure Code relating to entries, searches and seizure may automatically apply. These safeguards must be there. Two respectable persons should be present; there should be an inventory. These are the ordinary safeguards which have to be taken in regard to every document. Even now, if a search warrant is issued by a district magistrate, these safeguards are provided. I am anxious that so far as we are making laws, we must see that the rights and freedom of the individual are not unduly interfered with. I would respectfully beg of the hon. Minister in charge of this Bill to consider this matter in all its aspects and kindly see that he agree to putting in these two or three safeguards which are as a matter of fact, not very harmful. They do not interfere with the right or authority of the statistics authority. At the same time, they safeguard the rights of the people in general. I would like to know the reactions of the hon. Minister before I move this amendment.

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): I am afraid, my hon friend having seen the seamy-side of life thinks that every provision of this nature is going to be used as it were in a fiscal measure. I think my hon. friend would be right if this were a taxation measure and if we had put in similar provisions in regard to right of access. This is a very innocuous measure. It is rather difficult to prove public interests at every stage. After all, it is in the public interests that statistics should be collected and collated. The very object of this measure is in the public interest. If a man refused to give information, it is really difficult to take an isolated refusal and prove it in a court of law that it is prejudicial to public interests. Secondly, the statistics authority may be an ordinary person having nothing to do with a magistrate or criminal law or the

[Shri T. T. Krishnamachari]

police. He merely asks for information. There is no question of notice in a case like this. There is a general obligation on the part of these firms to send periodical reports. They have got to send monthly returns or weekly returns. Non-compliance with a notice is not there. Because the man does not send the return, the officer walks into that place and asks him, "Why don't you send it?" Or if the return is not properly worded, he asks, "Can I have a look into your records?" The whole idea of this particular section is to facilitate the compilation of statistics which are reasonably accurate. If, on the other hand, as I said, this were a fiscal measure, all the safeguards that my hon. friend has in mind ought to be put in. It is not so.

My hon. friend, Mr. Ramaswamy, has a lawyer's mentality in this trade. It is not a good mentality. I have very great respect for lawyers. I have worked with them and I think it is a very necessary evil society has to put up with. It is not a good mentality—the lawyer mentality. Where that mentality should not be brought, if it is brought, it is a real harm. My hon. friend has been a barrister for several years—20 to 25 years—and has not yet learnt the lessons he has suffered at the hands of people merely because he is not good. His institution is not a good one. Normally people would do without lawyers. Even if a politician does not agree with people, people would do without contact with Ministers. That is by the way. I think the fears that my hon. friend Mr. Thakurdas Bhargava has in mind are completely baseless. This is not anything new but it merely copies the analogies even of the Industrial Statistics Act. In regard to that, this Act has been in operation. I have not heard of any instance of any particular provision having been abused and it is not intended to abuse either. It is merely a question of getting information as statistical data. It is not one to go to a court involving any legal complications. You cannot afford to send a notice in order to protect your own interests. It exists there to collect statistics. I beg of my hon. friend not to press this amendment. If it happens, he can depend upon me. He will be here and I will be here for some time. I do not think there will be any need for any hon. Member to find fault with me or my Ministry in regard to this matter.

Pandit Thakur Das Bhargava: As the hon. Minister has said in respect of these cases, it is quite true that I look to the society and it is on account of that I have to inform you that many officers including innocent-looking officers who are armed with powers misuse them. If my hon. friend assures me that nothing is going to happen I may not plead for the above by sticking to my views. I know that he is not against lawyers as he is said to be. Lawyers are not such a bad lot. I do submit that his expression about lawyers is not so happy as it ought to have been but this is beside the point. I do not want to reply in that vein and I submit it is unnecessary to press my amendment any further in view of what has fallen from the hon. Minister.

Shri V. P. Nayar (Chirayinkil): I beg to move:

(i) In page 3, line 36, for "at" substitute "and search at".

(ii) In page 3, line 38, after "may" insert "inspect or take copies of relevant records and".

I move these amendments because I think that the Government should have more power to tackle the situation. While I was reading the Statement of Objects and Reasons I was amused when I found that the hon. Minister of Commerce and Industry has for the first time confessed the weakness of the Government. Just a year before we heard him in this House saying that he had the overall

control of all foreign investors in the country. This is what he said then. I am reading from the debates on the 17th of June, 1952:—.

> "So long as we have complete control over them, I am sure that this Government has complete control over every industry, whether owned by foreigners or Indians. It does not do us any harm."

So, now Sir, here is an instance in which the hon. the Commerce Minister takes a different attitude altogether, sees the question from a different angle and confesses before us that he has been powerless in the matter of foreign investors. I certainly appreciate his present candour. I wish that when we provide for certain powers we should also provide for powers by which this law can be administered in as effective a manner as it is necessary. Sir, without the necessary powers the whole clause becomes absolutely useless. There are similar provisions in the Income-Tax Act also. If you look at section 38 of the Income-Tax Act you will find that there is the power to call for any information. Very recently one of the highly placed officials of the Income-Tax Department told me that without the power of entering for making a search the power of calling for information will serve no useful purpose to the Income-Tax Department. Here is a case in which the law provides that an officer who wants to collect statistics can enter any premises. Why should he go there? Unless you have the power to search, I fear that this clause will not have any effect. I hope that the hon. Minister of Commerce will certainly agree with this power if he really wants to administer the Act with any measure of success. That is why I have moved this amendment and the hon. Minister will understand my position and I hope will agree to this amendment.

There is also another amendment.

Shri T. T. Krishnamachari: May I interrupt my hon. friend. I should like to mention a few words before I accept the amendment. We are prepared to accept the amendment but there may be slight variations in it.

Shri V. P. Nayar: Are you accepting my first amendment?

Shri T. T. Krishnamachari: No. I will accept the second amendment provided you make a slight alteration.

Mr. Chairman: He is going to accept Amendment No. 24 if "or" is put instead of "and".

Shri V. P. Nayar: That may not be sufficient, Sir. He wants only either of these, not the two together. I do not understand why an alternative should be provided for.

Shri T. T. Krishnamachari: I merely stated that if the hon. Member's amendment reads: "inspect or take copies of relevant records or ask questions", *i.e.*, instead of "and" he puts "or". I can accept it.

Shri V. P. Nayar: That would mean inspecting or taking copies or in the alternative, doing some other thing.

Shri A. M. Thomas: In the context it will be both.

Shri V. P. Nayar: That is not my position, anyway. If only there is "and" both can be be done. If it is "or" it can only mean either this or that.

Shri Karmarkar: We and the hon. Member accept the position in substance, there is only a little grammatical difficulty. The power of inspection is there. The power to take copies is there. The power to put questions is there. Any one or all of these may be done as is relevant to the position.

Shri V. P. Nayar: I will make my position more clear. I have some personal experience about this. I was once an officer who had something to do with the Prevention of Hoarding

[Shri V. P. Nayar]

and Profiteering Act. At that time when I was having power to ask any questions and to take copies, I did not have the power to search. I may give one instance where this was absolutely necessary. I entered a premises and asked for and got some papers and also initialled them because I had no power to seize or take copies. Then a week after, I found that my superior officer had gone to the same shop—I forbear to mention the name of the shop and the place—and took away that record which I had initialled. I could not take copy of that also. Subsequently, it turned out that the whole case revolved on this particular document which all my efforts could not produce in the Court. So, sometimes it is necessary. It is not a question of either putting questions or taking a document. Sometimes you have to put questions and also to take documents. That is why I want 'and" should be retained instead of "or".

Shri Karmarkar: Our officers will surely be more efficient than the officers mentioned. And I think this is the verdict given to us by grammar and law, that when we say "or" it does not alter the meaning. The meaning is either to take any one or all of them. It is quite clear.

Mr. Chairman: So far as Amendment No. 24 is concerned, the position is that with the change from "and" to "or" it is accepted. It is more comprehensive.

Shri Karmarkar: That strengthens his amendment.

Mr. Chairman: So I will put his second amendment in the altered form. The question is:

"In page 3, line 38, after "may" insert "inspect or take copies of relevant records or documents or".

The motion was adopted.

Mr. Chairman: With respect to amendment No. 22, which has been moved by Mr. V. P. Nayar, I think that is not accepted.

Shri Karmarkar: That is not acceptable.

Shri V. P. Nayar: I submit that it is not enough to say that it is not accepted. Let us have the reasons also.

Shri Karmarkar: The reason is that the clause already gives power to the statistical authority to have access to any relevant records or documents in possession of any person. It is only to have access that he has been given power to enter any premises. Beyond that we think that this power is unnecessary; it has been found to be unnecessary by previous experience. If it is found to be necessary in the case of any recalcitrant instances, we shall surely come back to the House. At the moment, we are advised—and we think we are properly advised—that the power of search is not necessary. My esteemed colleague has made it clear that we do not want to be penal in this matter.

Shri V. P. Nayar: May I explain my position a bit further? This becomes more necessary in view of the subsequent penal clause. There, it is stated that if the information is found to be wrong, a particular punishment is prescribed. What is the means of finding out whether the information furnished is wrong? Will mere venture into the realm of astrology be enough? You have to place your hands on the relevant records, and you won't get them unless you make a search.

Shri Karmarkar: I think it is better to wait and see whether it is astrology or practical administration. We shall come back to the House if it is necessary.

Mr. Chairman: The question is:

In page 3, line 36, for "at" substitute "and search at".

The motion was negatived.

Shri U. M. Trivedi (Chittor): On a point of order. I would like to know whether Pandit Thakur Das Bhargava has got the right to withdraw the amendment he had moved without the leave of the House?

Pandit Thakur Das Bhargava: I only wanted to know the reaction of the hon. Minister, and after hearing him, I said I am not moving my amendment.

Mr. Chairman: The position is clear. He did not move the amendment. He wanted to ascertain the views of the hon. Minister in charge before moving, and after his views were ascertained, he chose not to move it. That is the position.

I do not know what is the position of hon. Member, Mr. Ramaswamy, in regard to Amendment No. 43.

Shri S. V. Ramaswamy: I am moving so that I may state what I want to say. It is not a question of assurance. It is a question of framing the Act itself. We have got to provide against the abuse of power by officers whenever there is a case. What is the provision?

Mr. Chairman: If the hon. Member wants, let him move it. The hon. Member should make up his mind. I take it that the hon. Member does not want to move it.

Then, there is another amendment by Pandit Thakur Das Bhargava. I think he does not want to move it.

The question is:

"That clause 6. as amended, stand part of the Bill."

The motion was adopted.

Clause 6, as amended, was added to the Bill.

Clause 7.— (*Restriction on publication etc.*)

Shri Nanadas: I beg to move:

In page 3, line 47, add at the end

"except in cases when such publication might be made if, in the view of the appropriate Government, it is so required."

The object of the Bill is to collect statistical data. When the Government collect such data, with regard to any industry or concern, then they become the property of Government, and so the Government need not take the permission of the owner of the firm or his agent to publish such records. Moreover, the public also has got an interest in such statistical data, because it is not a private affair, but it concerns the economic and social conditions of the people and the workers employed or the customers interested in those undertakings. They have all got a right to know these data regarding any particular concern. It is quite essential that the Government should have power to publish such data without the permission of the owner or his agent.

Shri Karmarkar: I regret we are not in a position to accept this amendment for the obvious reason that firstly the clause itself limits the action, i.e., any information regarding any particular industry or commercial concern is needed only for the purpose of general conclusions. If general conclusions are reached, based on these data in a cumulative manner, then there is nothing to prevent us from publishing those conclusions, as we have been publishing under the Industrial Statistics Act. Supposing we have a particular concern, and the owner of that concern gives the information in confidence, and we publish those data, in respect of that particular concern, then, we think it will be a deterrent factor in respect of correct information. Nor is it necessary for our purpose, since the information is required only for making general use of it. We have no interest in publishing the information given in confidence in respect of any particular concern. So, we oppose the amendment.

Shri Nanadas: I press the amendment because these concerns are commercial and industrial undertakings.

[Shri Nanadas]

Collection of data in respect of these concerns is not a personal affair like the census where the individual has got any special interest, and he has to keep to himself some secrets, which he would not like to be published in his own interests. But here it is a business concern; it is not a confidential thing. That being the case, I feel that data regarding such industries must be made available to the public, and the Government must have power to publish the data whenever required. Sir, I press my amendment.

Mr. Chairman: The question is:

In page 3, line 47, add at the end

"except in cases when such publication might be made, if in the view of the appropriate Government it is so required."

The motion was negatived.

Mr. Chairman: The question is:

"That clause 7 stand part of the Bill."

The motion was adopted.

Clause 7 was added to the Bill.

Clause 8.—(*Penalties*).

Mr. Chairman: There is an amendment in the name of Mr. S. V. Ramaswamy.

Shri S. V. Ramaswamy: I am not moving it.

Mr. Chairman: There is one amendment in the name of Mr. Jhulan Sinha. The hon. Member is absent.

Next, there are the amendments of Pandit Thakur Das Bhargava.

Pandit Thakur Das Bhargava: I am not moving the first amendment standing in my name; as for the second amendment, I would like to know the view of the hon. Minister in charge of the Bill.

Shri U. M. Trivedi: We are all handicapped by your not moving the amendment.

Pandit Thakur Das Bhargava: My second amendment seeks to omit lines 19 to 21 on page 4, which contain the explanation:

"In respect of false information, return or answer the offence shall be deemed to continue within the meaning of this section until true information or a true return or answer has been given or made."

If it is a civil affair, then I shall not object to such an explanation as this.

But in criminal law, when an offence has been committed, then the mere fact that subsequently the man chooses to do better does not condone that offence. When it is determined that an offence has been committed and he chooses to give another return, my humble submission is that, as the offence has already been committed according to the section, there is no reason why a subsequent better return should condone that offence. In practice, it may happen that if a person has been challaned for having...

Shri T. T. Krishnamachari: May I interrupt my hon. friend? I am prepared to accept the amendment.

Amendment made: In page 4, omit lines 19 to 21.

—[*Pandit Thakur Das Bhargava*].

Shri Nanadas: There is another amendment of mine, Sir, No. 19.

Mr. Chairman: Does the hon. Member want to move it?

Shri Nanadas: Yes, Sir.

I beg to move:

In page 4, line 16, for "five hundred rupees" substitute "two thousand rupees or imprisonment for a term which may extend to six months or both".

This amendment is regarding the penalty clause. Statistics concerning industry, business and also labour conditions are very important and if anybody gives false information or refuses to give information regarding these things, it will materially alter the statistical data and, subsequently, depending upon these incorrect statisti-

cal data the Government have to formulate certain policies; thereby, ultimately, we will have wrong policies and the people in general will have to suffer because of these wrong policies. So to have adequate and accurate statistical data, it is quite essential that the firms or concerns must give correct information regarding each and everything in that industry or business concern. For this purpose, it is necessary that there must be deterrent punishment and hence I suggest instead of Rs. 500 there must be a fine of Rs. 2,000 and also imprisonment for a term which may extend to six months or both. Otherwise, if there is no provision for imprisonment, it matters very little for a rich man to pay Rs. 500: he can very easily pay off these Rs. 500, thus postponing submission of the required returns.

I also want to refer in this connection to the penalty under clause 10. Simply for disclosing information with regard to these statistics otherwise than in execution of duties the man is made punishable with imprisonment for a term which may extend to six months. So this is also a very important item—collection of statistics. Therefore, I suggest there must be provision for imprisonment and also the fine imposed must be sufficiently high.

Shri Karmarkar: Sir, we are not in a position to accept this amendment. Our intention is not to view any violation of the provisions of this Act to be so serious as to warrant imprisonment or such a large fine. As my hon. friend will know, it has been provided that in such cases in the case of a continuing offence, that is in the case of continued recalcitrancy to submit the correct information, he will be subject to a further fine of Rs. 200 every day. So, if the man continues committing the offence of not supplying the information for 10 days, my hon. friend's intention would have been fulfilled. It does not make any difference and it is not necessary to have an unnecessarily deterrent punishment.

He has also referred to the stringency of clause 10. Because the holding of confidential information is a very important thing, naturally the punishment which has to be imposed on those entrusted with the collection of confidential information in case they part with it has to be a heavy one. So an earlier fine of Rs. 500 and a fine of Rs. 200 per day for a continuing offence is sufficient for the purposes for which it is intended.

[MR. DEPUTY-SPEAKER *in the Chair*]

Mr. Deputy-Speaker: I am putting the amendment standing in the name of H. N. Mukerji and others moved by Shri Nanadas.

The question is:

In page 4, line 16, for "five hundred rupees" substitute "two thousand rupees or imprisonment for a term which may extend to six months or both."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 8, as amended, stand part of the Bill."

The motion was adopted.

Clause 8, as amended, was added to the Bill.

Clause 9 was added to the Bill.

Clause 10.—(*Penalty for improper disclosure*).

Shri S. V. Ramaswamy: I beg to move:

In page 5, line 2, for "six months" substitute "two years".

This is a penalty for improper disclosure of information or returns. These officers are in a great judiciary capacity and, having come to know about the affairs of the Company, if they wilfully disclose it, it is a very serious matter. It might lead to the collapse of the company even if they disclose it. Therefore, my respectful submission is that the penalty that has been thought of it not sufficient. After

[Shri S. V. Ramaswamy]

all, six months would make it only a summons case. I want to make it a first class offence so that it may be triable by a first class magistrate. I suggest that two years should be substituted for six months and one thousand rupees should be raised to two thousand rupees, so that a deterrent punishment may be imposed in case there is divulgence of secret information got at after a search. Otherwise if the fear of deterrent punishment is not there, any statistical officer might nonchalantly disclose very valuable information which will affect the very life of a big firm or company. I think there must be that fear for the statistical officer that if he transgresses the bounds he will meet with severe punishment. I submit it is a very reasonable amendment and I hope the Government will find its way to accept it.

Shri Karmarkar: In our opinion six months is sufficiently deterrent, and one thousand rupees fine. So, it is not necessary to make it unnecessarily more deterrent than what it is. If we find it necessary we shall come back to the House.

Shri S. V. Ramaswamy: If it is raised to two years and two thousand rupees it does not mean that the magistrate should always impose that punishment.

Mr. Deputy-Speaker: The officer will not collect statistics because he will be afraid. I am not competent to speak from the Chair.

Shri U. M. Trivedi: He would be afraid of even six months.

Shri S. V. Ramaswamy: Then, I do not press my amendment.

1 P.M.

Mr. Deputy-Speaker: There are no amendments to clauses 10, 11, 12, and 13.

The question is:

"That clauses 10 to 13 stand part of the Bill."

The motion was adopted.

Clauses 10 to 13 were added to the Bill.

Clause 14.—(*Power to make rules*).

Shri S. V. Ramaswamy: I beg to move:

In page 5, after line 31, insert

"(3) Any rules framed under this section shall be submitted to Parliament."

I would not like to include the words "before publication in the official Gazette."

Shri T. T. Krishnamachari: I can give an assurance that all rules made under this Act by the Central Government will be placed on the Table of the House. But this clause gives certain powers to the Provincial Governments. I cannot give an assurance on their behalf. I would be grateful if the hon. Member will accept my assurance so far as the Central Government is concerned and drops the idea of putting a statutory obligation on the State Governments. So far as the Central Government is concerned, we have made it a rule to place all rules we make on the Table of the House. As the Chair is aware, there is a Committee which looks after the question of rule making powers of Government. So, we can do nothing without placing them on the Table of the House, whether there is a provision to that effect or not. So far as the Provincial Governments are concerned, I would rather like to leave them alone. That is why I request my hon. friend not to press his amendment.

Shri S. V. Ramaswamy: The hon. Minister has given an assurance for the Central Government. But what about the States? Are the persons in the States to suffer simply because the Central Government cannot ask them to place the rules before their legislatures? If it is a statutory provision, it becomes obligatory on the Provincial Governments; we need not leave it to the discretion of the States. What we are doing here must be applicable to all.

Shri Karmarkar: How can we say in this Act that the Provincial Government should lay the rules before their legislatures. We shall lay it on the Table of Parliament. For the rest he will have to take the trouble of referring to the Gazette.

Pandit Thakur Das Bhargava: I do not see any reason why we cannot make a provision to that effect.

Mr. Deputy-Speaker: When we clothe the Provincial Governments with these powers, we can equally lay some obligations on them. So, the question is:

In page 5, after line 31 insert

"(3) All rules made under this section shall be laid, as soon as may be, before Parliament, or, as the case may be, before the appropriate State legislatures."

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That clause 14, as amended, stand part of the Bill."

The motion was adopted.

Clause 14, *as amended, was added to the Bill.*

Clause 15.— (*Repeal*).

Shri Karmarkar: I beg to move:

In page 5, for clause 15 substitute

"15. Repeal.—The Industrial Statistics Act, 1942 (XIX of 1942) and the Hyderabad Collection of Statistics Act (No. 17 of 1357 Fasli), are hereby repealed."

Sir, we wanted to make it clear that we are repealing the Hyderabad Act also because under the old Industrial Disputes Act they were authorised.

Mr. Deputy-Speaker: The question is:

In page 5, for clause 15 substitute

"15. Repeal.—The Industrial Statistics Act, 1942 (XIX of 1942) and the Hyderabad Collection of Statistics Act (No. 17 of 1357 Fasli), are hereby repealed."

303 PSD.

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That clause 15, as amended, stand part of the Bill."

The motion was adopted.

Clause 15, *as amended, was added to the Bill.*

Clause 1.— (*Short title etc.*)

Amendment made: In page 1, line 3, for "1952" substitute "1953"

—[*Shri T. T. Krishnamachari*].

Mr. Deputy-Speaker: The question is:

"That clause 1, as amended, stand part of the Bill."

The motion was adopted.

Clause 1, *as amended, was added to the Bill.*

The Title and the Enacting Formula were added to the Bill.

Shri Karmarkar: I beg to move:

"That the Bill, as amended, be passed."

Mr. Deputy-Speaker: Motion moved:

"That the Bill, as amended, be passed."

Shri R. K. Chaudhury: I hope the hon. Members of the House will excuse me for delaying their lunch by a few minutes. I wanted to congratulate the hon. Minister for the Bill which will be passed almost in accordance with his desire. He went to the length of putting the burden of proof on the accused and the House has without a murmur and without an amendment accepted clause 9 of the Bill.

But what I wanted to say was this. Having this new weapon in the armoury of the Ministry I hope they will not allow it to rust. I hope they will sincerely and seriously work out the provisions of this Bill.

I think it will be appalling for the hon. Ministers to learn that in the

[Shri R. K. Chaudhury]

numerous tea estates in Assam which supply practically sixty per cent. of the tea exported out of India, there are very few employees from Assam itself. If you look into the conditions in the agency houses in Calcutta, if you look into the number of tea testers in Calcutta, you will find that there are only a few Indians—not to speak of people from Assam—among the tea testers. That is practically the preserve of Europeans and Anglo-Indians even now. And then if you see the agency houses you will find that amongst the employees very few are Indians.

As soon as this legislation is enforced I hope the Government will seriously call upon these tea estates to give statistics about the number of employees they have and how many of them actually are Indians or local people. That is all that I have to say

Shri Raghavachari (Penukonda): I only wish to observe one point. I confess to a sense of disappointment when I look at the time and energy spent over this enactment only for collecting statistics. We all know that foreign firms have a preference to employ foreigners only with a few Indians. So far the position had been that there was no machinery even to collect such statistics. Through this Bill we are only providing for the collection of statistics. But apart from statistics being collected it is necessary to take some further action to see that foreign firms employ more and more of Indians; otherwise, all this will not be of much help to us. I am sure that there is no difference of opinion on this point, namely that Government should have in its armoury this weapon so that it may collect statistics, but if further steps are not taken, then there is very little purpose served by this sort of enactment. If all the agitation for a number of years has been only to enable the Government to think of having this weapon only to collect statistics, then I should think that a lot of effort has been taken for no purpose. My submission is that steps should be taken to induce foreign companies to employ more and more Indians.

Then there is another very small point which I wish to urge. We are vesting certain new powers which are liable to be used in a way which might prejudicially affect certain companies. That is another thing on which the Ministry has to take care. Utmost care should be taken to avoid such a use of this enactment. More than that I expect that the hon. Minister will bring a comprehensive enactment next time which will be really of some use.

Shri Karmarkar: Though we missed our hon. friend Mr. Rohini Kumar Chaudhury yesterday, I am very glad that he is present today and has invited our attention again to another of his pet subjects, *viz.*, tea. This question of employment of Indian nationals and non-Indians in commercial concerns is one of the many subjects that will be the subject of statistics. As I said earlier we miss the whole purpose of this Bill if we simply imagine that it is meant for one specific purpose. This question is a big one. In the present context of things the real purpose of the collection of statistics is larger than merely dealing with one single problem, however big it may be. If the powers under this Bill are properly exercised, the information that is going to be collected is going to form the foundation of our economic thought. I am very happy to see that both the hon. Members who have spoken during the third reading have stressed this point. My hon. friend and I had many discussions over this Bill and these discussions have proved very helpful in elucidating many points. Statistics are a basic necessity, and, of course, I agree that Government should pursue the question of their collection in regard to every aspect of the industry. In fact, if hon. Members were to find the industrial statistics published already by the Government, they would certainly, I venture to say, congratulate the Government on the proper use that

they have made of the earlier enactment.

Dr. Suresh Chandra (Aurangabad): But are they reliable?

Shri Karmarkar: Yes. In fact, I should humbly say that the industrial statistics published by the Government have been a matter of very good study for me and for many of my hon. friends who have wanted to study. Government will surely make proper use of this measure. I do not want to waste any more time of the House. I very much appreciate the suggestions made by the two hon. Members.

Mr. Deputy-Speaker: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

The House then adjourned till a Quarter Past Eight of the Clock on Friday, the 7th August, 1953.

[Shri D. P. Karmarkar.]

While I was listening with very great interest to what fell from my esteemed colleague, I remembered three years back a deputation on behalf of a responsible society waiting upon the then Commerce Minister—Shri Sri Prakashji—which wanted to stop all this nonsense—they did not say nonsense—the banning of cosmetics for instance. They said the cosmetics that were manufactured in this country harmed the skin rather it helped. In justification of their demand they said that we ought to test their quality and utility. Recently we have made some liberalisation on cosmetics and other luxury articles but the liberalisation is very small compared to the whole of our foreign exchange and it will not make it possible for large quantities to come in. So I think there is an immense field for creating public opinion rather than trying to fetter people's tastes in such matters by any coercive legislation. And that is the reason why Government feel it impossible to place restrictions on art silk. It is much better for us to promote the use of silk, to enlarge its production and to make it popular in more and more centres than to ban art silk completely. Art silk is being produced in our country and may be in a sizeable time we might become self-sufficient in respect of art silk.

Now Sir, there was a point made by my esteemed friend on my right asking me to remove all restrictions. I wonder what restrictions he refers to. Anyone is welcome to grow any number of cocoons and produce any amount of raw silk. We have not placed any restriction on that except of course where it is a question of spreading disease through cocoons. That, of course, is necessary for the proper propagation of seed-cocoons and development of the industry as a whole. So, Sir, I could not follow what he said, because at the present moment there are no restrictions at all. So far as actual production is concerned I am sure his efforts—particularly of my colleague, wherever he goes he preaches the cause of silk—will have a proper effect. Except those who are wedded to art silk these days others will certainly follow his advice.

SHRI D. NARAYAN: Why not define silk?

SHRI D. P. KARMARKAR: Yes, there was a point made about that. There is something in that, I must say. We shall have the matter considered—just to define silk in a manner so as to separate it completely from the notion of art silk. There again, I am afraid, Sir, that people who buy know the stuff that they are buying. It is not because a particular thing is called art silk that they are buying it and it is not that if there were a correct definition of silk by legal enactment that people would cease to buy what is known as art silk or what might be known as rayon. If tomorrow we make it impossible for rayon to be called art silk, I am afraid the number of purchasers of rayon—to begin the use of the word from now on—would be about the same. There is the other question of adulteration. That is an offence under the present law. People do not wait for the amendment of a definition to commit an offence. My hon. friend appreciates that, I am sure, very nicely. But still, in order to remove the psychological effect, if any, that the term 'art silk' might have, we shall have the matter considered and looked into.

MR. DEPUTY CHAIRMAN: The question is:

"That the Bill be passed."

The motion was adopted.

THE COLLECTION OF STATISTICS BILL, 1952.

MR. DEPUTY CHAIRMAN : We will now take up the Collection of Statistics Bill.

THE MINISTER FOR COMMERCE (SHRI D. P. KARMARKAR): Sir, I beg to move:

"That the Bill to facilitate the collection of statistics of certain kinds relating to industries, trade and commerce, as passed by the House of the People, be taken into consideration."

Sir, as hon. Members themselves are already aware, there was an enactment, the Industrial Statistics Act of 1942, which enabled us to collect and publish, if necessary, the statistics relating to industries. I am sure that hon. Members are also aware of the publication about industrial statistics which has served a fairly useful purpose. *But, Sir, we felt that in these* days when we have to exercise an intelligent economic control, a power merely in respect of industries would not be sufficient. Commerce is also an equally important subject and therefore we thought it fit to extend the range of the powers that we had already under the statute referred to and this Bill does nothing more than adding the field of commerce also to the field of industry. We seek the same powers of making a collection of statistics and in fact this present measure is almost a replica of the old measure excepting that this relates to both—commerce and industry. I need hardly take the time of the House by enlarging or dilating on the utility of such a measure. As days pass, we grow conscious of the great importance of statistics in the cause of economic development. Whether it is a matter of foreign exchange or whether it is a matter of import and export control or whether it is a matter of development of industries—large and small scale—in any sphere of economic activity unless we have correct statistics, we cannot base sound conclusions on given data and these statistics are also useful in making a periodical review of the progress made in different situations. Incidentally, some time back when we wanted statistics relating to employment of non-nationals in the concerns here, we found ourselves faced with some difficulty. We could not compel them to give us such information under any law as such, nor did we want to take any coercive measures. But we found there was a lacuna in the law which was rather unsatisfactory. We should be in a position at any given time to invite the information on relevant topics both in relation to industry, as also in relation to questions concerning commerce, and therefore, Sir, this measure has been put before this hon. House for its acceptance.

Now, as I said, this Bill will replace the Industrial Statistics Act of 1942. That Act empowered the Provincial Governments to collect statistics only with regard to factories. The Bill now before the House, as I said, is wider in scope and gives powers to the Central Government as well as the State Governments to collect statistics with regard to any matter concerning any industry or class of industries, commercial or industrial concerns including factories, welfare of labour, conditions of labour etc. In other words, this Bill closely follows the pattern of the Industrial Statistics Act of 1942 which has well stood the test of time. The appropriate Government will make the necessary rules under clause 14 of the Bill for purposes of carrying out the objects of the Bill. Sir, clause 12 gives power to the Central Government to give directions to the State Governments as to the carrying into execution of this Act in the State.

As I said earlier, I do not propose to take the time of the House by dilating in detail on the provisions of this Bill as the pattern of this Bill follows that of the old Act. Similar powers are being sought and the principal change now being made is that the field of our enquiry and collection of statistics is sought to be enlarged. In our modern economic life, as I said, and as the House will doubtless agree, statistics are the best source of correct governmental actions, as also in the matter of guiding public opinion. For instance, I might mention that the United States of America, for particular periods, have the means of collecting all the information relating to the retail trade etc. So it is very use-

[Shri D. P. Karmarkar.]

ful in matters relating to trade. Now at the present moment we may not be able to go so far, but certainly we should be able to go as far as we can in the matter of proper collection of statistics. Statistics strengthen our studies and promote correct conclusions in respect of our economic problems.

Sir I beg to move.

MR. DEPUTY CHAIRMAN: Motion moved:

> "That the Bill to facilitate the collection of statistics of certain kinds relating to industries, trade and commerce, as passed by the House of the People, be taken into consideration."

SHRI B. C. GHOSE (West Bengal): Sir, as the hon. Minister has stated, the object of the Bill is to give powers to the Government to enable them to collect industrial and commercial statistics, and obviously these statistics can be put to several uses and also form a basis for formulation of policies. One such useful use to which the statistics can be put, and to which reference has also been made in the Statement of Objects and Reasons, is a matter which was also the subject of lively discussion in the recent past, namely, the question of the employment of Indians in foreign-owned and foreign-controlled companies. I am aware, Sir, that this is not the sole purpose of this Bill but it is also a very important purpose which can be achieved if action is taken on the basis of information that may be collected on the strength of this Bill.

Now this question of employment of Indians in foreign-controlled and foreign-managed firms, on which I want to say a few words, has many facets First there is the question of Indianisation. It is quite natural that we should want that more Indians should be employed in executive and technical posts in these foreign companies and it was very helpful that the Government took up an attitude which assisted the attainment of that purpose, because the Government made it known, both in Parliament and outside, that they favoured a policy of progressive Indianisation of the higher executives in foreign firms. There are various ways by which that objective can be attained. As the hon. Minister concerned must be fully aware, our neighbouring countries like Pakistan and Ceylon have taken recourse to some legislative measures to achieve that object. Here in India we have relied more upon persuasion than upon compulsion. And I endorse the policy that has been pursued here to gain that objective. It is much better to have our object achieved by friendly advice given to these companies and by persuasion. Unfortunately, Sir, that purpose is not furthered by the attitude of mind that is revealed in a recent article in the July issue of a journal called "The Cable", which is the House Magazine of the Birds & Heilgers Group, and which happens to be one of the most important British managing agency firms and may be said to echo the views of what was once known as Clive Street. It is stated on page 4:

> "We should make it clear that we do not intend, nor do we believe that it is compatible with maintaining the organisations' British character,.....

I should underline the words "the organisations' British character":

> ".....to Indianize our covenanted staff completely, and therefore it is essential that recruitment of young British general assistants, apart from technicians, should continue. If British business houses as a whole should ever be debarred from continuing such recruitment, it would undoubtedly be a factor inclining certain firms to sell out, which, in our opinion, would not benefit the community as a whole and we believe would be welcomed least of

all by the Indian staff in British firms."

What I object to in this statement is what may be called the implied or covert threat that, if their policy is not endorsed, they may close down. I should like the Government of India to state here categorically that they are not going to be deflected from the policy, that they have stated they would pursue, by such implied or covert threat. The hon. Minister stated in the other House that we were not against British firms or foreign capital so long as Government have their say in the matter. I hope that whatever is necessary to implement that policy will be done irrespective of what might be considered to be the opinions of these British firms. That should be made clear.

The second aspect of this Indianization is the question of discrimination. It is not merely a question of the appointment of more and more Indians to the higher executive posts in these British firms or foreign firms but it is also a question of the difference in treatment as between employees of the same status in the same firm. In this same article, the point has been made out that it is quite natural that those whom foreign companies draft from abroad or from Great Britain should be paid a higher salary in the form of an overseas pay. I am quite willing to admit that point, but apart from what may be considered to be necessary to give an allowance of the nature of an overseas pay, there should be no other discrimination in treatment, for example, in regard to allowances and other facilities like giving of transport or sitting accommodation and so forth which, although they may appear to be trivialities, may be very galling to the persons actually so differentially treated. I should like the Government to say here clearly that they do not favourably consider propositions of this nature where Indians are treated on a differential basis apart from what may be considered necessary to give a higher salary in the nature of an overseas pay. And I should like the Government to say that they would prefer that the salaries should be the same, but, as used to be the case with regard to the I.C.S. previously that, whoever were recruited from Great Britain were given an overseas pay which was shown separately, so also in the case of the Indians and non-Indians employed in foreign firms, the basic salary may be the same, but that an overseas pay may be fixed for those recruited abroad.

The third aspect in this connection is the question of victimisation. The hon. Minister may be aware that certain Indians were victimised. I believe he has also received certain representations from such Indians. I quite appreciate the point of view of the Government when they say that they cannot actively intervene in these matters and take up these cases and say that they themselves would investigate these cases in which there has been victimisation, but at the same time what I should like the Government to do is to say that they would like that such cases of victimisation should be reviewed by the companies themselves and treated in a very sympathetic manner, because I am sure that, if the Government merely make a declaration of their policy or wish to the effect that they desire that the cases of victimisation should be reviewed by the companies themselves without any intervention on the part of the Government, then also something may be done for those gentlemen who have been victimised.

Sir, I do not want to say anything more on the question of Indianization in foreign firms, but there are two or three points that I should like to make upon the Bill itself. The first is about the collection of statistics. The hon. Minister may be aware of the inconvenience caused to industry and commerce when statistics are called from establishments, whether industrial or commercial, by various agencies of Government. That creates not

[Shri B. C. Ghose.]

only confusion but it also entails cost, and it is necessary that we should try, as far as we possibly can, to reduce costs of the trader or the manufacturer. I would like to ask the Government whether they do not consider it possible that these authorities should be centralised, and that, when they approach an industrial or commercial establishment, only one authority should approach them for all kinds of information. They may have subdivisions within their Departments or sub-Departments, but I should like to suggest that it will be very helpful to industry and commerce if only one agency asks for all kinds of information. Today many agencies call for information. The Factories Department under the State Governments ask for information. The Supplies and Industries Department ask for information. The Labour Department ask for information, and there are various other Departments, and it creates trouble and inconvenience and is responsible for higher costs, and as the idea is to try to achieve lower costs, I think the Government should come forward to help, and industry and commerce would be grateful to Government if they could bring about rationalisation in this matter.

The second point is about the use to which such statistics are likely to be put. I should like to have some idea from the Government as to whether they have considered as to what information they are going to publish after they collect such statistics and what use they are going to make of them. Will they be simply lying in the Departments or are they going to make them available in suitable form for the assistance of the public or students of economics or research students? Before they come to any decision on that point, it might be helpful to take the opinion of those who are interested in these subjects as to the form in which the information should be provided and may be useful for the various kinds of people.

The third point is about the form in which the information is to be collected, and that is very important. Here under the rules the Government are going to adopt some form, the form in which the various types of information will have to be given. As the hon. Minister may be aware, there was some difference of opinion, on the question of the extent of Indianization in foreign firms, on account of the form in which the information was collected. His attention might have been drawn to the fact that by asking for information in the form in which it was asked, the Government were in fact assisting those foreign firms, because they could conceal the information that was necessary in order to assess that very question of how far Indianization had been given effect to. Therefore I should like to suggest to the hon. Minister that before the form is finalised, he should consult and take the opinion of the persons who may be interested in it. Further I would like to suggest that before finalising the form, he might publish it in the interim stage in the Official Gazette and ask for opinions if any further addition or modification is necessary in that form so that nobody may have any grievance that the Government of India were assisting particular interests in the matter of the form in which information was sought to be collected.

SHRI S. N. MAZUMDAR: (West Bengal): Mr. Deputy Chairman, Sir, the hon. Minister in his opening speech has only incidentally referred to the fact that on a previous occasion when the Government of India requested foreign firms in India to provide information as regards the employment of Indians, the response was not very satisfactory. I hold that this matter is very important. In fact, on a previous occasion I raised this question about the Indianization of the services in the foreign firms. Government is not taking a very satisfactory stand. As regards providing information, I understand that out of nearly 1,600 foreign firms in India only a thousand

pernaps cared to reply and the replies too were not accurate and there are no means to check the accuracy of the information. My hon. friend Mr. Ghose also referred to this matter but on one point I cannot agree with him. I don't think that friendly persuasion from the side of the Government is sufficient in this respect. In fact he has referred to a memorandum which was published some months back by the executives engaged in foreign firms in which attention of the Government and the public was drawn to conditions of service and the treatment which our fellow countrymen receive in this foreign firms. In fact, that memorandum characterised these foreign firms as so many little South Africas on Indian soil. About the differential treatment—rather discriminatory treatment—which Indians receive there, my friend has dealt with. I do not like to take much time of the House in going into its details. But in some matters I must draw the attention of the Government. I mentioned previously also that in tea gardens when the British companies were shouting hoarse that they were passing through a crisis, junior assistant managers were being imported from England on high salaries whereas Indians were getting very bad treatment at their hands. There are numerous such examples. So friendly persuasion is not sufficient in this matter. Government should take up this matter very seriously and enquire into the conditions mentioned in that memorandum.

Secondly, I would like to say that the purpose for which these powers which the Government are taking should be clearly defined. For example, this information about the employment of Indians is not sufficient. There are many many important questions on which information is necessary but that information is lacking. For example, I put a question to the Commerce Ministry in the last winter session about the total amount of profit earned by the British tea companies in India for all this time, say even for a short period of 20 years, and also the amount of remittances abroad. The Commerce Minister was not in a position to reply to that. But that is very important. My friend Mr. Kakkilaya also put a question in the first session to the Finance Minister asking for information regarding the capital invested and the profit earned and remittances sent abroad by the gold mining company of Kolar gold fields, Mysore, and the Finance Minister promised to collect the information and lay it on the Table of the House, but that has not been done as yet. I do not know whether Government were earnest in that matter but supposing that Government were in earnest, then also this question would creep in that there are no powers to compel these foreign companies to lay all the relevant information before the Government. Actually it happens that even before the Industrial Tribunals these firms refuse to lay any information about the accounts on various pretexts. I shall cite an example. The Commonwealth Trust Limited, which has a number of factories, dyeing, hosiery and textile mills, engineering works, etc., in the western coast of Madras, refused to submit their accounts to the Industrial Tribunal on the ground that their headquarters was in London. This was in 1951-52 11 A.M. When these things happen, it is very necessary to get accurate information about their position and the profits which they make. Take the recent case of tram fare increase in Calcutta. The Company submitted that unless fares are increased they will undergo losses. But the main question should be what amount of profit they have earned and what is their actual position. About that there is no accurate information.

Secondly, I think that information should be collected about another matter. The question of managing agents has been mentioned in this Bill and also in the Statement of Objects and Reasons, but what I am more concerned with is that only general information, if it is collected about

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managing agents, is not enough There is one important question It is often said that since 1947 many British or foreign managing agencies have changed hands—they have either become Indianized or have taken Indian partners We have no real idea as regards that Indianization We do not know whether they have completely ceased to be foreign or partly Indian or it is half Indian or what position the Indians occupy there About these also we have no information This is also very important because apart from all disputes about employing foreign capital in India, it is very important that we have a clear picture of these in our minds So special stress should be laid on collecting information in this matter Then there is another factor also Many new concerns have been floated in India with supposed joint participation of foreign and Indian capital There also we have no clear idea about the terms of agreement, or about the domination or influence of their Indian or foreign capital in such joint concerns It is very necessary, apart from all disputes or political questions, to have a clear idea about this we want to have a grip on our national economy So I think the powers which the Government are going to take in this Bill should be utilized in this direction I have put forward an amendment and I shall make further points later

PROF G RANGA (Madras) Mr Deputy Chairmran, Sir I am sorry to have to come a little earlier than my friend Mr Parikh whom I would have liked to hear first I did not know that he was standing up on this occasion

I agree with my hon friends who have spoken today on this Bill, both from the Government side as well as from the Opposition side It is common ground that we should try to get all relevant and useful information in regard to the industrial and commercial concerns which carry on business in this country whether they belong to our own nationals or to non-Indians So far our friends have laid stress on the need for obtaining this information from the foreigners and foreign controlled concerns That does not exhaust or that ought not to exhaust our anxiety to get this kind of information from industrial and commercial concerns as a whole and I am sure it is not the intention either of Government or of the Opposition that we should discourage investment on the part of foreigners in our country, or the development of industrial and commercial concerns and activities in our country The time has not yet come when we should discourage that kind of activity On the other hand the Planning Commission has made it clear that if we are to make rapid and adequate progress in commercial and industrial spheres, we should be prepared, if need be, to go out of our way to welcome partnership and co-operation from abroad. Whether it comes from the Anglo-American side or from some other side it does not matter The most important thing is that we should take sufficient care to see that these foreign concerns and their owners do not exploit us in any way different from our own industrial and commercial concerns And to the extent that they are allowed this privilege, we should see to it that at the earliest possible moment, our personnel become able enough to replace the foreign personnel by gaining the necessary experience and seniority and that our own capital is able to replace the foreign capital and our own managerial capacity also is developed to such an extent that we will be able to take over the whole of the management of the foreign concerns when the proper time comes

Now, having said that much, it is very necessary that we should hasten to pass a Bill like this But is it enough? That is where the point made by my hon friend Mr Ghose becomes very relevant One point on which I straightaway agree with him is this. When you prescribe a particular form in conformity with which the

statistics have to be collected, it is necessary that Government should take counsel not only with their own statistical experts but also with the experts in the differernt universities and also with those with commercial and industrial experience who are available in this country That is why he has also suggested that when such a form is first of all published, possibly in their official gazette the form should also be circularised among all the relevant organizations dealing with such subjects in our country and their advice also should be obtained before these forms are finalised

There is a second suggestion he has made which I would like to endorse Instead of various departments asking all the industrial concerns for various kinds of information, it would be much better if the Government of India were to take steps to see that in each State there is a statistical department to which all their demands for information may be channelled And from that department again the demands would sally forth to the industrial concerns The advantage of this method should be obvious to everyone The special advantage to the industrial concern would be that instead of being called upon to give the same kind of information by a number of agencies on different occasions they would be called upon to give the information only by one agency Whenever the need arises, that information would be there in that particular clearing or pooling office and whenever any demand is made by any one department or authority, it would be the task of the head of that particular office to see whether that information is already available on that particular topic and if that information is already available then they should not trouble the industrial concerns concerned.

It is not enough to pass a Bill like this and keep quiet The most important thing is for the Central Government to see that they have some agency of their own in each one of these States to see that the State Governments are having the necessary machinery to collect the information required that they collect the information and that the information collected is correct Therefore from time to time, it should be possible for a statistical representative or a statistical expert of the Government of India to satisfy himself in each State that the co-operation that is being offered by the State Government is adequate and is satisfactory and is scientific Then it would also be necessary for the Central Government, if need be, to provide some financial assistance to the State Governments in order to develop the necessary equipment in this direction I think for the collection of statistics regarding cotton ginning, cotton spinning etc, and for other statistical information the Government does make some kind of financial allowance to the industrial concerns in order to enable them to employ the necessary labour and periodically supply this information to Government I say this subject to correction But, anyhow, my suggestion is that Government should be prepared to consider the advisability and the necessity of giving some kind of financial inducement and assistance, if and when necessary to such of the industrial concerns as would demand it and as would really deserve it, whenever this kind of information is demanded by Government—information which has to be collected by them after taking a lot of trouble

Sir, I have in my mind not only foreign concerns but also Indian concerns More and more of them are going to be brought within the purview of this Act and if all of them were expected to supply this information, to be ready with the information whenever called upon on so many of these topics, it would become necessary for them to obtain and employ special staff and be prepared to give this information, especially when you provide penalties here for the supply of information which may prove later on to be defective and to be wrong

[Shri S. N. Mazumdar.]

It would only be fair that the Government of India, as well as the State Governments, should be prepared to go more than half-way to co-operate with the industrial concerns and the commercial concerns in order to see that they are able to have the necessary and competent staff and give accurate information to us.

Lastly, when you collect all this information at the State Centre as well as at the Union Centre, what use are you going to make of it? My hon. friend Mr. Ghose has already made one suggestion. It would not be necessary for the hon. Minister to make up his mind here and now and give us a decision regarding this matter. I think they could leave it to the Council of Statisticians which I think already exists in this country as one of the branches of the Science Congress. Government could take advantage of their advice from time to time. They could place all this volume of information with them and seek their advice as to what portion of it should be made available to the public and what portion kept as secret. Even out of that portion of the statistics that is kept as secret, it should be possible for Government to make a good portion available to research students in the colleges and universities—the statistical information that we have in our country. Otherwise what would happen is that Government having all this information in their hands would not know what to do and their own experts may become stay-put and we should be going through all this trouble for no useful purpose at all.

In conclusion, Sir, there are only one or two small details to which I would like to draw the attention of Government. They want to appoint a statistics authority. It has been the custom in the past and also now to nominate the District Collector in each district as the authority for this, that and so many other purposes. Similarly they might be doing this time also and add this also to his work. Somehow I feel a little diffident to suggest that in every place a separate statistician will have to be appointed. But I would like to suggest that, to start with, it is necessary that the Government of India should have their own expert statistician in each State, to be designated as the statistical authority in that State as a whole. In addition to that, of course they would have the power to give power also to the State Governments to designate the District Collector or any other person, for instance, the Labour Commissioner or the Factories Inspector or any other officer, as the statistical authority. Then they have to fix sometimes the power of the statistical authority to call for return or information, also the interval within which such information or returns should be furnished. In fixing these intervals Government will have to be rather careful.

If we keep only the foreign firms in our view, it may not be so very necessary to be so careful, but when it comes to our own concerns which, unfortunately, as we know, are not so very strong in their managerial set up, in their office and in the employment of experts, it would be necessary for the Government to be extremely careful. They should fix the interval as long apart as possible so that it would be within the competence of the concerns which will be asked to supply the information to furnish them.

SHRI C. P. PARIKH (Bombay): Mr. Deputy Chairman, first of all I would crave your indulgence to say that after three Members of the other side have spoken, I am given a chance. Naturally, the system should be that one Member from that side should speak followed by one Member from this side.

PROF. G. RANGA: Apart from that, I have myself apologised for having got up.

SHRI B. C. GHOSE: You may call upon any Member to speak. Even if

five people from that side get up and talk, we do not object, Sir.

MR. DEPUTY CHAIRMAN: It will enable you to give a comprehensive reply.

SHRI C. P. PARIKH: Now, Sir, this Bill looks like a simple one but its effects are of a far-reaching character. It is very good that it has been brought forward now on account of the special information required of the foreign concerns. I would have liked, Sir, in this case, when so many foreigners are employed in this country, that the Commerce Minister should have given us some information regarding the staff employed in trade and commerce as also the salary drawn by them during the year. I think these figures must be with him and in whatever form they are classified a rough idea would have been very important in arriving at the volume of employment of foreigners in the trade and commerce and, I hope, Sir, that in his reply he will give this information.

Now, this Bill gives a wide power in the matter of trade and commerce to the Commerce Minister and he may require statistics in regard to important headings. I am quite sure that this is necessary. Apart from the employment of foreigners in this country, there are other aspects and in that connection this Bill is a welcome measure. This ought to have been brought forward five years before when the Congress regime began. When we look to the statistics in our country in the matter of trade, industry and commerce we find that they are so inadequate that we are unable to form a correct picture of the economic structure that we envisage for this country. The Economic Adviser is publishing statistics and we find that only 70 per cent. of the people have supplied the information. It is not the correct basis to judge our progress in the matter. Therefore, this measure is very important from that stand point.

Now, let us examine what it involves because every possible concern in the country is brought under this Bill. I may say, Sir, that there are 20,000 factories, under the Factories Act, about 60,000 commerical establishments, 5,000 mines and plantations and about six lakhs of miscellaneous trading establishments. If he has to collect from all these people, as he has a right to collect, it would be a great task. I am asking him to make a distinction in this matter and I say that proper information could be compiled especially from those concerns which are employing large number of persons or whose wage bill is very large.

According to the *Labour Gazette* the number of factories which employ from 1,000 to 5,000 persons is 478 and factories employing over 5,000 number 34; below, in the range of 500 to 1,000, the number of factories is 329. If the information is properly collected and compiled and, also properly used, we have only to look to 400 big concerns and 300 small concerns. This is very easy for him to do. The industrial and commercial establishments working in this country require some supervision and control in the matter of their working, as some Members have said.

When the forms are to be sent out, I agree with Mr. Ranga, that these forms should be prepared only after getting the opinion of the various concerns who know about it; the forms should not be sent to them for completion if they are prepared only by the administrative offices. As an instance, Sir, I will quote the procedure in the Textile Commissioner's office. That office used to ask for about 400 forms during the year when only 100 would have sufficed them and in course of time and after persistent representation to them and after persistent influence in the higher quarters, we were able to reduce this number to about 200. This is not all. The Labour Departments of the State Governments and the Industries Departments of the State Governments also ask for the same statistics in the same form. I may tell you, Sir, that the manner in which these forms are ask-

[Shri C. P. Parikh.]

ed for is such that it only increases the cost of furnishing the statistics. I think, Sir, when the Commerce Minister is going to enforce this measure, he should take this factor into consideration. He can have some confidence in some associations if he has none in individuals.

Then, Sir, I come to the preservation of information supplied by individual units. The individual units may be asked to give information of any nature, of any sort, which may be prejudicial to the working of the unit if such information goes out indiscriminately or in a form which is not beneficial to the concern. It is necessary to have statistics but if the compilation is industry-wise, there will be no fear; this compiled statistics should be available to all persons in the trade. Many of the statistics, even though they are not secret, are not published for the information of the public. Either Government is fighting shy of criticism, or I do not know what. There is so much of statistical material; these should be widely published and published in a manner in which people can understand and gather useful information from them. I appreciate that such of the material as is of a secret nature should not be published but the others which are not of a secret nature should be available to those who require it and it should be widely published.

I now turn to another aspect of the Bill. The firms are asked to give information regarding the salaries drawn by various persons. We may be able to find out why so many officers with high salaries are appointed in one concern whereas another concern is able to do with less people with much less salary. Of course, there are no powers to compel them but those concerns which appoint a number of people on higher salaries and exercise their patronage, when they know that they are being watched, will be careful and there will be a stop to further employment of this nature. The Commerce Minister should bear this is mind at the time of the compilation of the statistics from the 500 major establishments, and he will be able to know a great deal as to why one concern is having so many highly paid officers whereas another concern of the same type and of the same nature is able to do with lower grades for their officers. Then, Sir, another point and that is with regard to the employment and use of foreign machinery in the biggest concerns. If certain concerns are able to do with indigenous machines produced in the country I do not see why other similar concerns are allowed to have foreign manufactured machines and similar stores. Out of the 400 concerns we may find that many are not using the products of indigenous manufacture. I have often said and I repeat it on this occasion that the large-scale manufacturers are not utilising the products of small-scale manufacturers in the country and if some are able to use them in a particular industry, I do not know what is the difficulty for others to do so.

Then, Sir, I will come to another matter with regard to insurance, banking, shipping, and export and import trade. These are the four categories where foreigners operate predominantly and they practically have the control in the matter of commerce and trade because insurance, banking, shipping and export and import trade are so related that through these sources there is an invisible drain from this country which goes to the advantage of foreign concerns. Let me take up shipping. When goods are to be exported or imported one has to go to the foreign companies who own their own ships or their own insurance companies or their own banks. I think that something may be done in this respect and ways and means may be found to see how this invisible drain of our money could be stopped and what else can be done in this regard.

Then, Sir, I would come to the last point with regard to clause 9. Clause 9 refers to prosecution of a company

for offences. Now I have to point out to the Commerce and Industry Minister that the prosecutions have been of such a nature that in many cases the officers who are competent to institute prosecutions use that weapon even where such a course is not warranted. I know of many prosecutions which were launched and which were later withdrawn but after harassing the man for 3, 6 or even 12 months. If prosecution is to be launched why not launch it in time? The lower class of officers try to take money from the industrial and commercial concerns on the ground that they have made technical mistakes and that such mistakes legally entail prosecution. In this clause it is shown how the prosecution can be launched and against whom. First of all, the prosecution will be on the managing agent or officer in charge of the company. But where it is also known that there is neglect on the part of any director, manager or secretary or other officer of the company there also prosecution is granted. I do not however mind, Sir, that this word 'neglect' is there. The word 'neglect' is of such a prime importance that it is left to the judgment of the officer who may interpret it according to his discretion. Leaving the clause as it is I would suggest that wherever prosecutions have to be launched they may be launched with the approval, consent and written signature of the Commerce Minister. It is no use harassing persons who are carrying on their legitimate activities and prosecuting them for the commission of some technical mistakes which are possible in large-scale establishments in this country. Therefore I have again to point out to him that this provision being very important should be so invoked that no undue harassment is caused to anyone. Especially in the matter of prosecution they will have to weigh the whole position and see whether there has been any *mala fide* motive behind the offender's action or whether there has been wilful neglect on the part of any officer or employee of the company. I would have used the words 'wilful neglect' in place of 'neglect' but I do not want to improve upon it at this stage. What I insist on is that the Minister's sanction should be necessary before any prosecution is launched.

With these words, Sir, I conclude my speech.

SHRI KANHAIYALAL D VAIDYA (Madhya Bharat):

श्री कन्हैयालाल डी० वैद्य (मध्य भारत): उपसभापति महोदय, यह दुख की बात है कि इस देश में व्यवसाय करने वाली जो विदेशी संस्थायें हैं उनसे जब यह जानकारी मांगी गई कि वे अपने कारोबार का ब्योरा दें तो उन संस्थाओं ने गवर्नमेंट की इस मांग को पूरा नहीं किया और उसके परिणामस्वरूप यह बिल आज हमारे सामने आया है। मैं इस बिल का हृदय से समर्थन करता हूं और संक्षेप में यह कहना चाहता हूं कि हमारा देश एक बड़ी कठिन आर्थिक परिस्थिति से गुजर रहा है। विदेशी हुकूमत ने इस देश की आर्थिक नीति को जिस रूप से चलाया और जिस रूप से हमारे देश में उद्योगों को और कारखानों को चलाया गया उससे यहां की आर्थिक स्थिति ने बड़ा भयंकर रूप धारण कर लिया है। इस देश की आर्थिक स्थिति को सुधारने के लिये और यहां के मजदूरों की स्थिति को सुधारने के लिये यह बहुत आवश्यक है कि हम कारखानों की स्थिति की सही जानकारी प्राप्त करें। इस देश के अन्दर भ्रष्टाचार, चोर बाजारी, कालाबाजारी करने वाले इन कारखानेदारों द्वारा ऐसी स्थिति का निर्माण किया गया है कि आज हमारे देश की जनता बहुत दुखी है और त्राहि त्राहि कर रही है। यदि सही मानों में इस कानून के ऊपर अमल कर के जितने कारखानों की जानकारी हमारी सरकार संग्रह कर सकती है उसको संग्रहीत करे तो पिछले दिनों इन कारखाने वालों ने जो चोरबाजारी के रुपये को व्यापार में या और दूसरे कामों में लगाया है उसका भी कुछ रहस्य मालूम हो

[Shri Kanhaiyalal D Vaidya]

सकता है। मैं तो आज भी इस विश्वास का हू कि यदि आकडो की सही जानकारी प्राप्त की जाय तो हमारे देश की जो आर्थिक समस्या है, जो अन्न समस्या है, और जो दूसरी समस्याये है वे सब बहुत कुछ सुधर जाय।

हमारे देश मे कट्रोल हुआ तो इस बात की देशव्यापी माग की गई कि डिकट्रोल किया जाय और डिकट्रोल के साथ ही यह हुआ कि जो लोग इस देश के अन्दर व्यापार करते है, धधा करते है, उन लोगो ने चोर बाजारी के रुपये से तथा अपनी अन्य जायदादो को बैको मे गिरवी रख कर के और दूसरे नाजायज़ तरीको से रुपया लेकर डिकट्रोल किये हुए अनाज को खरीद कर के स्टोर (store) कर लिया और गवर्नमेंट को बहुत खराब पोजीशन (position) मे डाल दिया। आज हिन्दुस्तान मे जगह जगह वही अनाज जो कि सस्ते दामो मे खरीदा गया था दुगने और तिगुने दामो पर बेचा जा रहा है। यह सब कुछ इस देश मे आकडो केअ भाव मे हो रहा है। यदि सरकार कल कारखानो और बैको वगैरह की सही तौर पर जानकारी प्राप्त कर सके तो हम देश के करोडो आदमियो का भला कर सकते है और देश की आर्थिक स्थिति को सुधार सकते है और जिस प्रकार पिछले वर्षों मे करोडो रुपये जो चोर बाजारी के तिजोरियो मे पडे थे उन्हे जाहिर करने की छूट देकर करोडो रुपये की आय का सरकार को नुकसान भुगतना पडा वह नही भुगतना पड़े।

मै जिस प्रदेश से आता हू वहा कई महीने से एक कपडे की मिल उज्जैन मे बन्द पडी है और उसके हजारो मजदूर बेकार है। यह जो कपडे की मिल इतने दिनो से बन्द है उसकी स्थिति को यदि देखा जाय और पिछले वर्षों के आकडो की यदि जाच की जाय तो गवर्नमेंट को मालूम हो जायगा कि न केवल मिल के मैनेजिग एजट्स (managing agents) बल्कि उनसे सम्बन्ध रखने वाले जो दलाल वगैरह थे उन्होने लाखो रुपया उसके द्वारा कमाया लेकिन आकडो के अभाव मे उस मिल की हालत ऐसी बताई जा रही है और इस प्रकार की माग सरकार के सामने रखी जा रही है कि उसको फाइनेस कारपोरेशन (Finance Corporation) से अधिक कर्ज मिल जाय और वह मिल उस कर्जे से चलाई जा सके। आज तो मिलो और कम्पनियो की जो व्यवस्थाये चल रही है उनके हिसाब की व्यवस्था ऐसी है कि यदि उसकी वास्तविक रूप से जाच की जाय तो यह जो देश मे मुनाफाखोरी है, चोर बाजारी है और जो कट्रोल के हटने के बाद बैको से रुपया लेकर लोग अन्न को स्टोर करके मुल्क के बाज़ार भावो को अपने कब्जे मे कर लेते है वे सब समस्यायें बहुत कुछ हल हो सकती है और जो मजदूरो का प्रश्न है कि हजारो मजदूर बेकार रहते है यह प्रश्न भी हल हो सकता है। इस बिल के पास होने के बाद इसकी सफलता इस पर है कि इस बिल पर अमल ठीक तरह से हो। यदि इस बिल का उपयोग इस देश की स्थिति को सुधारने मे करेंगे तो मै समझता हू कि इस बिल के पीछे जो गवर्नमेंट का उद्देश्य है वह जरूर पूरा होगा और जो देश मे एक प्रकार की आर्थिक अराजकता की स्थिति का निर्माण होता जा रहा है, जो दिन पर दिन महगाई बढती जा रही है, वस्तुओ के नियन्त्रण के हट जाने के बाद भी जो वस्तुओ के दाम बढते जा रहे है क्योकि होर्डिग (hoarding) करने की, सग्रह करने की शक्ति व्यवसाय करने वालो की बढती जा रही है और बैको द्वारा धन प्राप्त कर के तथा कारखानो की व्यवस्था द्वारा अनुचित हिसाब रख कर करोडो रुपया इनकम टैक्स को बचा कर वस्तुओ को इकट्ठा किया जाता

है, इन सब बातों में भी सुधार होगा । मेरे पूर्व वक्ता श्री पारिख ने कहा कि "कई कारखानों के अन्दर अपने अपने पक्ष के लोग बड़ी बड़ी तनख्वाहों पर रखे जाते हैं" । चोर बाज़ारी करने वाले व्यवसायी ऐसी ऐसी योजनायें बनाते हैं कि सरकार को इनकम टैक्स न देना पड़े और अनुचित रूप से ऐसे हिसाब तैयार करें जिससे कि करोड़ों रुपया चोर बाज़ारी में लगा कर के देश की स्थिति को बिगाड़ सकें । सरकार को इस देश को आर्थिक स्थिति को सुधारने के लिये सतर्कता से कदम उठाने की ज़रूरत है । यदि देश की आर्थिक स्थिति को सुधारने के लिये इन लोगों पर नियन्त्रण कड़ा नहीं किया गया तो पिछले दिनों महंगाई के कारण जनता को जो विशेष कष्ट उठाना पड़ा है उसमें वृद्धि ही होगी ।

आज देश में खाने के तेल के बाजारों के ऊंचे भावों को देखिये या दूसरी चीज़ों के बढ़े हुए दामों को देखिये । इन तेल के कारखानों की जांच की जाय कि जब मिलें बाजार से कच्चा माल कम दामों पर खरीदती है तो क्या वजह है कि इतना बड़ा लाभ उठाने के लिये तेल के दामों को इतना बढ़ा दिया गया कि सारे देश की जनता तेल के लिये दुखी हो हो रही है और धड़ाधड़ भाव बढ़ते जा रहे है और उसका प्रभाव दूसरी चीज़ों पर भी पड़ता है और इस प्रकार सरकार की जो डिकंट्रोल की पालिसी है वह भी असफल होती है और एक तरह से उस पालिसी को चेलेंज (challenge) दिया जाता है । अतएव मैं आशा करता हूं कि यह बिल जो सरकार ला रही है उसे इस तरह उपयोग में लाया जायेगा कि जिससे ऐसी स्थिति का निर्माण किया जा सके कि जो भ्रष्टाचार, चोर-बाजारी और झूठे हिसाब तैयार करके देश को नुकसान पहुंचाने की प्रवृत्ति है वह रोकी जा सके और तभी देश का उत्थान होगा, अन्यथा हम जो बड़ी बड़ी योजनायें बनाते हैं, जैसे कि पंचवर्षीय योजना आदि, वह सफल न हो सकेंगी । क्योंकि जब तक कारखाने वाले और दूसरे लोग जो कि साधन सम्पन्न हैं और यहां व्यवसाय करने वाले हैं वे इस प्रकार के हिसाब तैयार करते रहेंगे कि आयकर से तथा दूसरे टैक्सों से सरकार की जो आमदनी होनी चाहिये वह न हो सके तब तक हमारे देश की योजनायें और प्रगति के काम धन के अभाव में नहीं चल पायेंगे और जनता की स्थिति दिन पर दिन बुरी हो होती जायेगी । अत इन शब्दों के साथ इस बिल का समर्थन करता हूं और आशा करता हूं कि कानून के पास होने पर जो सुझाव दिये गये है उन को दृष्टि में रख कर सरकार व्यवस्था करेगी ।

[For English translation, *see* Appendix V, Annexure No. 15.]

SHRI KISHEN CHAND (Hyderabad): Mr. Deputy Chairman, Sir, I welcome this Bill, because statistics, to my mind, is a most important thing. Any national programme is not possible without a correct collection of statistics and yet I am surprised to see that this Bill consists of a few clauses of appointing some statistical authority and of imposing certain penalties for not supplying the data. I do not think, Sir, that a Bill of this type is going to do justice to this important subject of statistics as the collection of data is very essential for any planning of our national life. I am further surprised that in the Objects and Reasons, great importance has been given to the fact that certain foreign firms did not give correct information about their employees and about the fact that the majority of their employees in the higher grades consists of Europeans and foreigners. I agree with the hon. Minister that this question of Indianization of foreign firms is very essential. I would go a step further and would request the hon. Minister to bring in a comprehensive Bill regulating the employment of Indians and

[Shri Kishen Chand]

foreigners in firms situated in India I have on previous occasions stated that I believe in the nationalization of these foreign firms I will insist that a target of three years be fixed and that within three years 90 per cent of all higher posts—technical and administrative—should be occupied by Indians Any firm which is not prepared to take in 90 per cent of Indian officers in the management of its affairs in India has no right to exist here That is my contention I entirely agree with Mr Ghosh and Mr Mazumdar when they point out that these foreign firms are making discrimination against our countrymen and that they are finding some excuse or the other—technical or non-technical—to give employment to foreigners to the exclusion of our countrymen With that I agree, but I have risen to deal with this question of statistics and the statistical problem

I will submit to the hon Minister that the statistical officers employed should be above corruption but as has been pointed out by a previous speaker, when we impose penalties the net result will be that these petty officers on some excuse of some default in supplying statistics or in numerical or clerical mistakes—under a reasonable or unreasonable excuse—find out a way of taking bribes and illegal gratification Therefore, I would request the hon Minister in charge of this Bill to take very great precaution when this Bill becomes an Act and is enforced, that it does not lead to corruption in the collection of statistics

Statistics as supplied by any trade or industry are bound to be partially incorrect unless they are very thoroughly examined and collated with the other data supplied by the concern The normal practice in any Government Department is just to ask for certain statistics and when they come in, the clerks or the tabulating machines just add up the figures and we get some sort of result which is generally not correct The correct collection of statistics requires a high degree of knowledge and I would have liked the hon Minister to have made in this Bill some provision by which at least two qualified statistical officers were appointed in each district—we have nearly 300 districts in the country—who should be charged not only with the duty of collecting statistics but also verifying them For every industry certain standards of consumption of raw material, of labour and other things be fixed and the statistics supplied by any particular factory be examined to see whether they bear some sort of relation to that general standard Unless these things are done we are not going to get any information—but we just ask for statistics and send round an ordinary petty inspector to go and verify, then it is possible that the inspector will get satisfied with some small gratification and certify the statistics as correct I say the future of our country and of our national planning depends upon these statistics Our requirements of raw material, our requirements of machinery etc will all depend upon it As Mr Parikh has pointed out, take the example of the textile industry Supposing one mill can carry on and produce so much of cloth out of so many pounds of cotton while the other mill wants double the quantity of cotton for the same amount of cloth and if we accept it without questioning, it is vitiating our statistics A large number of persons can be absorbed in the management of any factory, but if statistics are collected and a fixed percentage is set out for expenses on management and a fixed percentage for expenses on labour it will be very easy to verify whether any particular factory is abusing its privileges and taking unfair advantage of Government's leniency And therefore I would submit, Sir that a more comprehensive Bill, giving all details as to how the statistics will be collected and how it will be compared, then tabulated and published, should have been brought in This is an incomplete Bill and will not give us any information

It is an old saying that statistics can prove anything. Ask any mathematician or statistical officer and he will tell you that statistics can prove anything, and therefore we have got to be very careful when we collect statistics and publish them. The State Governments have got various agencies for collecting statistics. There is the Labour Department. They are collecting all sorts of statistics about the number of people employed, irrespective of the fact whether that number is too little or too large for that industry. Similarly there is the Supply Department and the Import and Export Departments. They just want statistics without finding out whether those statistics are true or correct or they bear any ratio to the scale of the industry or the requirements of the industry. And therefore I will say, Sir, that a simple questionnaire be prepared, simple to understand, not requiring too many details and sent through only one agency. The inspector of the Government Department should go round, as far as possible, to all concerned, advise them, instruct them, in the tabulation of their statistical data and only such data should enter in the final compilation. If all these steps are taken, we have a chance of getting the correct figures. There are only 300 districts in our country and if there are two officers appointed in each district, it will mean 600 statisticians getting full employment and they will be giving us correct details.

Sir, I will say a little later, when these clauses come up for discussion, that the penalties prescribed are a little too harsh and they should be reduced as far as possible because of the ignorance of our people. The concerns being medium-sized, they cannot afford to have expert statistical officers to supply this data. We want to keep down the cost of manufacture. And for this reason it is necessary that the penalties prescribed are lower. The cost of supplying statistics has to be kept down. With these remarks, Sir, I support the Bill.

SHRI TAJAMUL HUSAIN (Bihar): Mr. Deputy Chairman, the only thing that I wish to say in connection with this Bill is that my information is that in some foreign firms a large number of highly paid employees are foreigners and that the Government of India asked these firms to have a larger number of Indians, they supplied a list showing that a larger number of Indians were employees of their firms and a smaller number of foreigners were their employees. Now, Sir, my information is that all the low-paid employees such as the menials and the clerks only are Indians. Of course you know, Sir, that it is very expensive for them to bring these menials and clerks from outside and it is always cheaper for any foreign firms to employ menials and clerks from among the Indians. I therefore suggest to Government, Sir, that they should insist on all foreign firms that at least 95 per cent. of the highly-paid employees should be Indians. Of course I am in favour of nationalization but that will come gradually. And if there is a breach of this order by them, then the penalty I would suggest, Sir, should be that they should be asked to quit India at once.

SHRI K. S. HEGDE (Madras): Mr. Deputy Chairman, I am heartily in agreement with the principle underlying the Bill. It is no doubt true that the Bill is not as ambitious in its scope as required by my friend Mr. Ghose and my friend from Hyderabad. But one thing is certain that the Bill is in consonance with the economic needs of the country at present. It is not statistics that are called for all future times. It is just a machinery to collect the data. It is for the Government to decide in the future to what use it could be put to. It is merely a raw product of the industry. What I am more concerned with is that the form in which the Bill has been presented might reduce the legal efficacy of the Bill. I earnestly request the Minister in charge of the Bill to consider some of the legal impediments that may stand in the

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implementation of the provisions of the Bill, if it is not suitably amended. I am taking this opportunity particularly to invite his attention at this early stage so that he may have the matter examined in due time and due consideration may be given to the amendments that I have given notice of. I would invite his attention firstly to clause 2, the definitions clause, especially the definition of "commercial concern". It is a defining clause, and if you permit me to say so, Sir, it is an enumerative clause, it is an inclusive clause and it is an exclusive clause. Probably all the means that are availed of by the draftsman in the alternative circumstances have been taken advantage of and cumulatively put in there. I am not complaining merely of the crude form of the definition, but I am complaining that the definition might become entirely useless. In clause 2(b) (xi) they have said:

> "any other concern which, in the opinion of the Central Government, is a commercial concern and is declared to be such by that Government by notification in the Official Gazette, but does not include an industrial concern."

Obviously the object of the Government was to take necessary power and to declare any concern as a commercial concern. Now this is not likely to be interpreted in the manner that is anticipated by the Government. Having enumerated a number of concerns in clauses (i) to (x), clause (xi) is likely to be interpreted by the courts by following the doctrine of *ejusdem generis, i.e.*, belonging to the same genus but may be a separate species. So clause (xi) may not give any benefit to the Government and it may not serve the intended purpose. I am inviting the attention of the hon. Minister to the fact that a concern may be partly commercial and partly industrial. Under what clause does it come? It certainly does not come under clauses 1 to 10. I am afraid it cannot be brought in under clause 11. It is not an industrial concern; it is not a commercial concern; it is a hybrid, partly commercial and partly industrial in character. There may be several other contingencies. I would request the hon. Minister to consider whether the difficulty cannot be solved in the manner I have suggested in my amendment in question. All the clauses from 1 to 10 are superfluous clauses which, instead of helping you, may actually hinder the implementation of the Act.

I would also invite his atention at this stage to clause 6 of the Bill. Under clause 5 you ask for information or returns. Collection of statistics, information and returns, these are the terms used in clause 5, but when we come to clause 6, all that is said is that "the statistics authority or any person authorised by him in writing in this behalf shall, for the purposes of the collection of any statistics" that is only one purpose. Supposing a concern has already given you a return. Under what clause have you the right to inspect the record for the verification of the returns submitted by the concern? That is why I suggested that it should be amended by saying, "for the purposes of the collection of any statistics under this Act or verification of any information or return submitted under section 5". The right to inspect the books must not only be for the purpose of collecting data but also for the purpose of verifying the data or the verifying of the information that has been submitted to you, which is probably more important.

SHRI D. P. KARMARKAR: Verification is part of collection.

SHRI K. S. HEGDE: But in clause 5 you have used three different words. One of the axioms of law is that the same words have the same meaning throughout the Act. If you have used a word in one sense in one clause, you cannot use it normally in other clauses in a different sense. They have used the words, collection, return, information, in different senses in clauses 5 and 6. It is doubtful whether the law

courts will help by interpreting collection as verification also. Normally collection is not verification unless you interpret it broadly. The courts are not likely to interpret it broadly because you have used the word in a specific meaning in the course of your Bill. Apart from that, why should you put yourself under a handicap by using the word 'collection' and take the chance of the courts interpreting it in a narrower sense? The very object of your Bill may be defeated or at least delayed for the time being.

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Now, take for example clause 7. Somehow, you are putting a restriction on publication. It is true that some of the information may be confidential. My fear is that the whole of your Bill may become entirely useless because you have placed a ban on yourself against publication. Supposing a concern gives you wrong information, and you want to prosecute it. You are preventing yourself from publishing that false information before a court of law. The restriction that you have placed on yourself is not partial but conclusive, not partially embracing but all-embracing.

> "No information, no individual return and no part of any individual return....."

You have left out the word 'information' here, meaning that you can publish part of an information but not of an individual return. When you come to the word 'part', you have only used the word 'return' but not 'information'. Part of any information can be published but not part of a return.

> " .....with respect to any particular industrial or commercial concern given for the purposes of this Act shall, without the previous consent in writing of the owner for the time being of the industrial or commercial concern in relation to which the information or return was given or made or his authorised agent, be published in such manner as would enable any particulars to be identified as referring to a particular concern."

How are you going to prosecute a man who gives you false information? I give you false data, and you want to prosecute me for giving you false data. You can only do it by proving in a court of law that it is false data. But for that purpose, you cannot publish it. You may think you have an indemnity clause, but the indemnity clause is not an authorising clause. Prior to the indemnity clause, there must be a permissive clause. How can you prosecute the man concerned unless you disclose it in a court of law, and disclosing it in a court of law is publishing it.

SHRI D. P. KARMARKAR: I am afraid that my hon. friend's confusion has arisen from the fact that he has not read clause 7 properly. Clause 7 says:

> "No information, no individual information return and no part of an individual return with respect to any particular industrial or commercial concern .. ..be published in such manner as would enable any particulars to be identified as referring to a particular concern."

The only thing that is prevented from being published is that so and so is concerned and such and such company is concerned.

SHRI K. S. HEGDE: He has not understood my point. Supposing firm A has sent a return which is false. You want to prosecute firm A. In order to prosecute the firm and prove that their return is false in a court of law, you must publish it, but under this clause you are prevented from publishing it. I ask the hon. Minister to examine that point. Let him consult his legal advisers. I doubt whether you can really prosecute anybody under the law as it is. Probably the drafting department is over-loaded; you give them something one evening and

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ask them to put it in legislative form by next morning, and this is the result. In fact, I am informed on reliable authority that in other countries the draftsmen work in pairs. One man drafts and the other man scrutinises. There is nothing like it here in this country. If only you see the decided cases and reports, it makes really painful reading to see almost everyday one or the other of our legislative measures being declared as void or as ineffective. This is such a serious matter that I would like the hon. Minister to re-examine or *de novo* examine the whole thing. Now I come to clause 9 —I do not know whether sub-clause (2) of clause 9 is really necessary at all. As represented by other speakers, it is really a dangerous clause. You are prosecuting the owner as defined there. If you try to catch hold of some other smaller fry like secretary or assistant manager, you can do as an abettor. The phraseology used by you is:

> "Notwithstanding anything contained in sub-section (2) where an offence under sub-section (1) has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly."

In every case there will be a neglect of the director. It is not something of a positive concept. If a director fails to study his paper he is neglecting his duty. You are putting such persons in peril. A director may be as ignorant about the facts of a firm as any outsider is and that is why it is a normal requirement of law that the men you are prosecuting, are the persons who are owners as defined. Prosecute the managing director or manager or any person in charge of the concern. I would be obliged if you could have the matter re-examined in the light of the suggestions made by me.

SHRI S. P. DAVE (Bombay): Sir, in fact this Bill ought to have been brought much earlier due to the great importance it has with regard to industrial and commerical matters. It has been our experience especially in adjudication of industrial disputes that many a time due to lack of data with regard to industrial production and various other matters, the courts and tribunals have not been able to decide the cases properly. It is up to those who are employed in industry and commerce to supply the relevant information to the country since no Government can take decisions, shape policies or do any other matter without relevant information. Even today I am sorry to say that in the various Departments of Government, the statistics which they publish are sometimes at variance with other information published by other sources and one is really surprised as to which is the correct source. Today we in this matter have to progress still and therefore I am happy to find that we are putting a statute on the anvil at least to make a beginning with.

Sir, I will not take up much time of the House by showing difficulties about drafting or bad drafting or whatever it may be. I am satisfied if the purpose for which the Bill is drafted, is fulfilled. In that connection I was wondering at the language of clause 3, sub-clauses (a), (b) and (c) relating primarily to industries and industrialists and there it is described in a comprehensive manner "any matter relating to any industry or class of industries". But when it comes to labour it is split up into various portions from (i) to (xi). You do not make a comprehensive list. If this is to be a comprehensive list, I am afraid that so many things are missing. Even without giving much thought to the question I may say that we must have figures of sickness, we must have figures of mortality, we must have

figures of people who retire annually in the industry, we must have figures about accidents. So many things I can add to this list. Rather than that I would put it in a comprehensive manner and say "Take any industrial matter pertaining to workers' wages, their conditions of work and living which are capable of producing industrial disputes" and that will include not only these 12 but possibly 100 times more than these 12 I am rather diffident that if this list is there by itself, then possibly the employers, if they are asked to say how many people retired from any industry during 1952 might say, "We are not obliged to give you this information. The clause as it reads does cover so many small items but we are not obliged to give you the number of persons who died or retired in the industry." And then, if a question like gratuity comes and the question is to appraise the burden on the industry as a result of gratuity by way of retirement or persons who died, then the court will say that there is no data. Actually this is my experience. Two years back I was obliged to come back from an Industrial Court of Bombay on the sole ground that no industry maintains figures with regard to persons who died in the industry or persons who retired in the industry and in the absence of such valuable data, no court can make order with regard to payment of gratuities. We have not yet learnt. Even then my State Government did not issue an order that industries shall maintain these figures. I am happy that the Centre is doing it now. When you are doing it, do it perfectly and completely, and with that view the language may be suitably amended to cover every phase of it. You have tried to do so, though it is possible as my friend Mr. Hegde said that people will argue that so many things are missing here. They may say: I find so many things with regard to wages; I do not find anything with regard to the remuneration of managing agents. Is it not possible to provide for it? To my mind it is a matter relating to an industry, but it is capable of being argued. what has a managing agency's commission to do with the industry? It has to do with the industrialists. It has to do with wages, it has to do with this and that but not with the industry. Therefore all those matters which are of real utility in matters of industrial disputes, whether with regard to labour or capital, must be included there. There is nothing with regard to technical processes. There are a hundred and one technical processes involved in any industry. Take textiles. There are more than 400 operations. There is calendering which plays a prominent part because they are all inter-dependent and unless information with regard to these are there, you cannot have it complete. One may ask, "Is it any industrial matter?" As production is a part of the industry it should be there but it is not described in detail. Therefore my humble appeal to the hon. Minister is that in order that it may not be said that the Bill has this lacuna in the future and in order that those who are clever in law may not try to point out that whatever is not specifically indicated was not intended by the legislature, I make a point to say that if this Bill is to be of any use, let it be so fool-proof that there will be scope enough for you without amending the Act to call for anything that you like from the employer, from unions, from labour organizations, from State Governments, from any corporation etc. I say this with emphasis because I have suffered in the past as a result of lack of data and statistics. As early as 1933 in a wage dispute the employers actually refused to give us copies of published magazines and said, "Go to the Registrar of Companies and try to take copies". Of course, much water has flowed under the Ganges since that time and today few employers make this plea. In a court of law they have to produce a balance sheet and give its copy to the other side, but to my mind what secret or confidential information can there be when you have come out to do business? Therefore

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I am not happy with clause 7. Anything that is in the possession of the State, as a result of the information collected under the Bill, must be treated as public information available to all. The right of inspection must be there. You may take a small fee for that. You may not advertise it and you may not publish it, if it is not necessary. If we want specific information where shall we go unless we go to State records or statistics? There will be research students who may be particularly interested in, say the history of sericulture, the profits made, the wages given, the condition of the workers and so on. We have cases today where the wages are very low, where even the minimum wages are not paid and where the Act is not even complied with. Sir, I believe that the impression, that every little piece of information is going to be abused or misused, is a wrong one and nobody should be carried away by that impression. After all whatever has transpired or has been collected is public information to which the public have a right and they are entitled to inspect, use and utilise it, to argue upon it, speak and debate. Therefore, I consider that unless it be for State purposes, unless there is something which is against the public interest itself to disclose, it should not be treated as private or confidential. Sir, my hon. friend here said, and said rightly too, that statistics may be made to prove anything. I have also heard it said that statistics—superlative statistics—is falsehood, they become lies. So let us be very careful as to the material we receive, the returns that we get, because our shrewd and wise industrialists know that when a score of returns are asked for, they are merely pigeon-holed, no scrutiny takes place and nobody has the time to go through them. My personal friends have told me that it is their experience that no head of the department has ever seen all the returns that are being received, and they are perhaps happy if the returns are sometimes sent in blank, except in the first page. So, I say a competent authority should be there to scrutinise these returns and also see if they tally with the originals so that we may be sure that whatever information is received it is correct. It is better to go without information rather than work on the basis of wrong or incorrect or deliberately false information. Therefore, I say there should be deterrent punishment put down here for anybody who deliberately gives false information. My friend Mr. Parikh was very solicitous about dealing with people who make slight mistakes. There I am at one with him. I do not want to punish a clerk for a typographical mistake or a mistake which is very human; but where something has been put down deliberately wrong, there can be no excuse.

SHRI C. P. PARIKH: I spoke of technical mistakes.

SHRI S. P. DAVE: Yes, and I am more accurate than you were, and I say typographical error, because a technical error can be interpreted in any way. I have seen balance-sheets where the managing agents' commissions are lumped together with fuel, brokerage and miscellaneous charges. How the hell am I to split all these four things separately? Are you going to receive statistics of that nature? If so, it would be useless. Therefore, let us be sure as to what is it that we are going to receive by and with the help of this Bill? It should be something that is intelligible. It should be something capable of being singly linked up with another factor. So, in order that your statistics may be useful to you, certain other auxiliary things will have to be put down, namely the standardisation of certain forms to be utilised by various industries for various purposes. Today, unfortunately, under the Companies Act, no section says how a balance-sheet shall be displayed. It merely says that it shall mention what is the paid up capital, that it shall mention this, that and the other; but it is nowhere

stated that two items of expenditure may not be put together. Therefore, very wise men who do not want to show how much coal they use, mix up coal, bleaching powder and something else also. A man like me would like to find out, if a ton of coal costs so much in C.P. and if a mill with so many spindles spends so much on fuel, why the expenditure on fuel is so much; it ought to be only so much. Why is it so much more? There is some *gol mal;* but I cannot get to know the *gol mal* because the items of expenditure are so tabled that you cannot get at any item singly.

SHRI GOVINDA REDDY (Mysore): The auditor is there to look into it.

SHRI S. P. DAVE: The auditor does not help.

SHRI C. P. PARIKH: Therefore standardise the balance-sheets.

SHRI S. P. DAVE: Exactly. I am very happy that at least one industrialist agrees with me.

I know these are simple things and the hon. Minister may feel that I am dealing with trivialities. But these things are important and they have arisen from bitter lessons learnt in the past, each one of them reminds me of some major industrial dispute. It is from these industrial disputes that I have learnt these tricks. Even last year I was happy in an Industrial Award to have the power to call for any document in connection with a particular concern which was incurring losses and we had to find out how these losses were incurred. I tried to fish out things, but what could I find? A broom, I find, costs 12 as. I know it is too much, but there is a voucher with signature or thumb impression and with the auditor's tick in red ink. How can I go behind it? I can never say that the broom could never cost 12 as. though you may call the man a fool for paying 12 as. when it may be had at Ahmedabad for half an anna. If I take out these instances and go to court the court would say it has no time to look into these details. Therefore I say I am happy to know that the Statistics Bill is going to help us. I am no expert in law and so Mr. Hegde and others may find out drafting defects and suggest cures or remedies for them. I have only stated what I want fom this piece of legislation. The three points that I have tried to make are these. Firstly the Act should specifically say what is wanted, either by enumerating properly or by stating in comprehensive language, so that everything is included and nothing is left out. If you would describe the industry, describe the finances, the production technique, the working of it, the personnel of the industry etc. Then possibly everything would be covered. Even then the Managing Director may say his remuneration does not come in. Therefore, let him be treated separately, mention his allowances, his privileges etc. etc. With regard to labour you have dealt with it fairly well and I have no complaint to make, except that you should include figures relating to sickness, mortality, retirement, accidents etc. This is just by the way.

I know the difficulty. This Bill has been passed in the Lower House. You may say, "Why give us the trouble of sending the Bill back to the other House for this slight amendment", but, my prayerful submission is, Sir, that it is not a trivial change. If you consider that, that is not merely for the fancy of it but also to help the composition of the legislation, to be more appropriate and proper, even if it needs having to go to the Lower House once again, the Cabinet should do it.

Thirdly, nothing should be confidential in whatever is printed, whatever is utilised, whatever is submitted as having relation to trade, industry and commerce. It is for us, the consumers and the representatives of the consumers who are the real owners, to say what is confidential and what is not. Let not A, B or C run away with the idea that the industry belongs to him. He is the care-taker for the time being, entrusted to do the job. He can be removed tomorrow if he does not behave

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properly and, therefore, it is not for him to say what is confidential or what is in the public interests of the country. It is for us, the legislators here, to say what is confidential and what is not and, for the time being, let the Cabinet exercise that power, Sir, with discretion. Whatever is not in the interests of the State to publish may be treated as confidential, otherwise, nothing should be confidential

Fourthly, deterrent punishment must be there for persons who try deliberately to mislead by giving false information or by giving no information

That is all that I had to submit

SHRI RAMA RAO (Madras): Mr. Deputy Chairman, this Bill is welcome to me only to a limited extent It is welcome in the sense that it satisfies a long felt national need It is not welcome beyond that, because, as the previous speakers have pointed out, it labours under certain enormous limitations to which I shall refer later.

Long ago, the Agricultural Commission said, "the whole basis of statistics in India urgently requires broadening It should rest, not on the work of a few Government officials, however able but on the support of public, and through them, on the recognition by the legislatures and by the general public that modern statistical methods are in a position to make an independent contribution to the successful development of social administration". The Bowley-Robertson Report of 1934 pointed out this colossal deficiency in the Administration of this country and stressed the need for a special department of statistics This Bill, as it has been placed before the House concerns itself only with certain aspects of statistics and even there, it has many limitations I shall bless it before I damn it First, the element of compulsion is introduced with regard to the supply of figures and access to documents Secondly, it makes a special attack—I do not hesitate to say that—on foreign companies, which we are bound to expropriate one day or the other, but which so long as they continue must be made accountable to the people of this country and must be prevented from taking away too much money. Thirdly this Bill gives authority to the Government to gather statistics about the conditions of labour which is overdue, and, as my hon. friend from Ahmedabad has pointed out, more than overdue Fourthly, this Bill refers to a certain extent to the methods by which we should exercise a limited control over the working of private institutions, though that control would not be enough We must from now lay down well and truly the foundations of a policy of nationalization and socialization of industry and commerce For that purpose we require ample statistics This Bill gives us just an opening for that purpose We are determined, sooner than later, to introduce nationalization of banking and insurance and, unless a Bill of this kind is merely the thin end of the wedge, it will not bring me much satisfaction.

What are the limitations of this Bill? Sir we talk big about social welfare, about planning, about a hundred other similar things, but when it comes to a question of action, we fight shy We do not supply ourselves with the necessary armament for that purpose Planning is utterly impossible without statistics and more statistics. President Roosevelt brought out fresh New Deal legislation; day after day, he was changing the laws in the light of new material available, and that material consisted of statistics. When the Russians started their five year plan, they had figures before them of their enormous deficiencies and also made plans on the basis of figures as to how they could progress In England when Sydney and Beatrice Webb started their statistical enquiries into social institutions, they had a meticulous and mathematical system of work and had an organisation called the "Fabian Society" This Bill has no such aspirations or pretensions

Sir, to the extent that this Bill deals only with trade and commerce, it

does not satisfy even the least requirements of our people I want to put one question Where do newspaper companies come into the scheme of this Bill? It refers, in the course of "Definitions", to advertising consultants Are advertising consultants only commercial institutions? Are they not industries? At any rate, a newspaper company sells its commodity and to that extent, therefore, it is a commercial concern A newspaper company manufactures the newspaper and to that extent it is, therefore, an industrial concern too Where does it come in? Why don't you categorically mention it in the Bill?

Sir, when the Press Commission under the authority given to it under the Commissions of Enquiries Act, sent out circulars to proprietors of newspapers, most of them sat silent and would not answer We of the Journalists Federation protested strongly against the attitude of some of these companies and the Commission sent out a reminder to them a reminder that the Commission had the power to haul them up if they did not supply the statistics asked for If companies supposed to be managed by intelligent men are behaving in this manner then what is the remedy?

There must be comprehensive, permanent legislation for collecting statistics and not merely for *ad hoc* purposes As it is today, our Federation is tremendously handicapped in regard to the supply of figures Suppose I go to the Commerce Ministry and ask it to let me have some figures so that, in the public interest we may be able to present some authenticated documents to the Commission is the Government today in a position to give them? It is not, because it has no power to collect statistics and it does not take any such power even here That is my complaint I would respectfully submit that the distinction between "commercial" and "industrial" concerns is a distinction between Tweedledum and Tweedledee.

I agree with my friend from Ahmedabad, who is a Labour expert, that this Bill does not cover many of the aspects of the enquiry that ought to be undertaken when any public investigation is being made It only mentions a few heads, I mean titular heads, nominal heads, but they are not effective or exhaustive

There are certain other matters like the efficiency of administration of laws of this kind We know that we pass laws, but most of them are not enforced nor are they enforceable. We have got for instance the Companies Act, laying down all kinds of penalties for doing this and for not doing that but it has been so badly administered by the provinces that the Central Government have now decided to take it over themselves. Under this Bill you are giving powers to the local Governments to collect statistics, so on and so forth I can assure you, Sir that the Provincial Governments are not reliable in such matters, not as reliable as the Central This is the bitter experience of the working class of this country.

SHRI K B LALL (Bihar). But you represent Madras.

SHRI RAMA RAO. I represent every State in India

As regards the rule-making powers I want them to be as comprehensive as possible, comprehensive in the sense of promoting the object of this Bill effectively.

Clause 10 has been already discussed at length by the previous speakers You threaten penalties if certain information is revealed or obtained When I want to see what my proprietor is doing in the course of his daily operations to cheat me, a workman, and I have a right to collect information from anybody in the world, even as I collect news from anybody in the world for my newspaper Are you going to punish me for that? Are you going to punish the man who gives that information? Is it fair? Have you taken

[Shri Rama Rao.]

absolute powers and comprehensive powers, in the first instance, to compel proprietors to give you the statistics you want? You don't do it. On the other hand you will punish me for getting information through some friend who is willing to oblige me.

Sir, as regards the general question of the value or the need of statistics, not much need be said after the excellent suggestions made by my friend from Hyderabad. I plead for a national statistics policy. I would quote Bernard Shaw in this connection:

> "The public services need a department of statistics and mathematics to which the statesman can submit for skilled examination all the correlations involved in legislative projects and current administrative practices, as well as to prepare such periodical booklets of information as the census and the statistical abstract. Official figures are not infallible, as they have to be collected and assembled by fallible mortals; but as there are degrees of fallibility we can select our statisticians by the method of imagining the possible extremes and determining the most eligible spot on the scale between them. The statesman should accept no figures from the doctors, the lawyers, the clergy, the bankers, the artisans, the labourers or the individual cranks until they are critically examined and correlated, corrected and endorsed by the department."

SHRI K. S. HEGDE: Is it from his plays?

SHRI RAMA RAO: Bernard Shaw has written things other than plays also.

Now what are you going to do with regard to the collected figures? Years ago a critic pointed out that there was an absolute lack of co-ordination in the preparation of Government publications. "Sankhya", the Journal of Statistics in India, once published an article, a devastating article, pointing out the limitations of official statistics. I should be very glad if the Minister in charge of this Bill would explain to this House what he is going to do with the material he will collect? You do not mention anything about trained experts being employed to collate, to digest and to interpret the figures in the proper manner. Surely your own experts will not do. This is a very important job, requiring trained talent, trained capacity for interpretation, and an honest and impartial approach above all. Such an approach should be directed not only to commercial and industrial questions, but to the great national questions that are confronting us today. Except that the universities have got some statistics departments, the public takes very little interest in statistics. I believe, that in consonance with the new traditions of planned industry we are establishing, it is necessary that we should teach people to take interest in statistics—not merely to take interest but also to train themselves to make use of them. Of course, there are obvious limitations. Ours is a big country. There is tremendous illiteracy. We have no genuine feeling for figures. To such an extent does this evil prevail that if you ask an illiterate man, "What is your age?" he would reply, "It is 20 or 50 years." That is his sense of arithmetic. There must be accuracy, exhaustiveness and above all correct interpretation in the matter of figures.

Sir, we are determined on a socialist polity. What shall we do about it? At the same time we are determined to establish our rights in a non-violent manner. What are the means for it?

Dadabhoy Naoroji started the statistical vogue in this country and wrote his book on "Poverty and Un-British Rule". Wacha and Ranade followed. A master of facts at figures, Gokhale, waged royal battles in the Imperial Legislative Council, which drew the admiration of such a great student of public affairs as Lord Curzon. It was thus that he des-

troyed the fiction of "prosperity budgets." Today there is Professor Mahalanobis, a distinguished statistician. In the course of some of our recent political controversies, he has made a substantial and valuable contribution to political theory.

Karl Marx was the first man to understand the value of statistics in the modern industrial society. He analysed Victorian blue-books and told the public that so long as the capitalist system continued it would not be possible for the workman to get a square deal When Sydney and Beatrice Webb started the "New Statesman", they touched on social questions in the same way as the chemist would test a problem in his laboratory. Again it was a case of sheer mastery of figures carefully collected and collated.

Finally the philosophical value of statistics has to be explained. It provides the explosive material to destroy old institutions and build new ones. I shall satisfy myself with a small quotation from that Oxford socialist professor, Mr. G. D. H. Cole: "My final moral, then, is that unless we want to convert the world into armed camps of impoverished peoples we must plan for plenty, that is, for increased consumption, in ways which are quite inconsistent with the retention of the capitalist system".

DR. RADHA KUMUD MOOKERJI (Nominated): Sir, I am afraid this House has been practically reduced to a debating society. I feel that I may be only talking in the air and none of my suggestions is going to be accepted by Government but with all that I feel that I have a duty to perform by throwing some light on some of the obscure points left in this Bill With reference to clause 3 where the enumeration of the various subjects on which statistics are to be collected is made, my lawyer friends threatened that unless a subject is specified it cannot possibly appear legally in the list. So from that point of view I wish to supply certain gaps in the list of subjects on which statistics are to be collected. My first point is that we want very urgently statistics showing the relationship of wages of labour to the output of labour. This is a very fundamental question that affects not merely the future of our industry but also the future of the relations between capital and labour on which depends so much of the future of our industrial development. I find that such a fundamental topic as the general question of finding out how the wages of labour are connected with the output is not there. We want accurate figures and statistics to show the relationship between wages of labour and its output. I will take an example from the Tata Iron and Steel industry. Their annual reports show that through all these years while there has been a decline of output to the extent of three times, there has been a rise in wages also to the extent of three times, so that while on the one hand the wages have been allowed to increase three times, the output of labour has dwindled three times, with the result that that industry is suffering.

SHRI S. P. DAVE: The figures are not correct.

DR. RADHA KUMUD MOOKERJI: I have taken them from the company's annual reports. I want that on such subjects the statistics should be absolutely accurate and precise.

Now, my second point is, there is another important omission, namely, the mention of labour-saving machinery. It seems that if you have to think of employment and also at the same time of industrial development, you will have to deal with two contradictory ideals. Industrial development means a growing employment of up-to-date machinery. As you all know, all machinery is labour-saving and therefore there are statistics to show that if you stand up for labour and its welfare, you cannot think liberally of introducing advanced type of plant and machinery for achieving greater industrial output. So the question is, "What is the ex-

[Dr. Radha Kumud Mookerji.]

tent to which machinery will displace labour and create unemployment and whether the displaced labour can be transferred to other spheres of profitable employment?" Now, this is a very fundamental point in our industrial development, and therefore we should say from the Centre that these are the main subjects on which statistics are to be collected, because they are subjects which are very very comprehensive in their consequences.

Now, my third point is this. I know I am talking in the air and I do not like to carry on a theoretical discussion. Of course, I cannot imitate the ways of certain of my friends who are very enthusiastic and idealistic so far as the subject of legislation is concerned. Anyway, my third point is this. There is a way by which we can give directions as to the procedure by which statistics can be effectively collected. I think we might make it obligatory on the part of the concerns affected to show in their annual reports a collection of statistics which have a bearing upon some of these fundamental points. Just as the auditor says in the annual report, that here is a true picture of the state of the audited concern, I want a true picture to be given there in terms of the topics on which we want essential statistics pertaining to each industry. We must impose a legal obligation on the companies so that we can compel them to reveal a true picture of their conditions by giving facts and figures as regards all these main topics to which attention has been drawn rightly in the Bill before us.

Lastly I must congratulate the Government on the very liberal step that they are taking in placing the collection of statistics on a scientific footing and foundation. What I would only suggest is perhaps the other topics that I have mentioned are extremely fundamental in their character and they cannot be grouped under the general definition of the topics which are supposed to be all-embracing. The hon. Minister will perhaps reply by saying that they are comprehended within this sweeping term, but I want a specific mention to be made of those points that I have just now mentioned. As I said, I know I am talking in the air.

SHRI RAMA RAO: It may be talking in the air, but we are talking sense.

DR. RADHA KUMUD MOOKERJI: I know there is no reality attached to whatever we say here. As you all know, this Bill has been thrown at us as an accomplished fact. I say this House is an integral part of the legislature and this House must be associated with every process of legislation if it is to be effective. Why was not this Bill introduced earlier? Why was not time given to us for making suggestions which could have been considered by Government? From a practical point of view, that is our fundamental grievance. The part that has been allowed to this House to play, I think, is against the spirit and letter of the Constitution. Therefore we have a right to be associated with all processes of legislation at every stage. What is the harm if the legislative process is undergone simultaneously in both the Houses? That will be really conducive to the welfare of the country and I think we shall be doing our duty if we are allowed to play our full part in the process of legislation. I think this House qualitatively is not at all inferior to the other House. If you really consider this House as the House of Elders, I ask, when are you hearing the voice of the Elders?

SHRI D. P. KARMARKAR: Mr. Deputy Chairman, Sir, the learned scholar who just preceded me ended on a little note of despair. He referred to talking in the air, but I think it will give him some comfort to feel that not only he but everyone who breathes will have to talk in the air. If there were no air, we would not be able to talk. I will not dwell on his other point regarding the propriety of

the Bill being brought here and all that.

I for myself feel that the discussion has been a very interesting one and the contributions that have been made have been impelled by one consideration—the basic consideration—the assumption that statistics are very important for economic development and that the powers that we derive under this Bill should be very efficiently exercised. I think there has been a general consensus of opinion on that point. On the basis of that consensus various useful suggestions have been made and I for one at the end of this debate stand better educated than I was when I started on this Bill in this House Various suggestions have been made during the course of the discussion and as I said most of them have been useful. Now, my friend Prof. Ghosh, a well known economist, started with a little sense of . . .

SHRI B. C. GHOSE: I am not a Professor.

SHRI D. P. KARMARKAR: Anybody can claim to be an economist. I suppose he does not take it as a reflection. Well, he referred to the foreign concerns. Naturally, the position of foreign concerns in this country is a matter of deep concern to all of us. We on this side of the House do share that concern. He quoted from an article. It is not our common practice to take official note of every article that appears. Ultimately, the writer, unless he is purely objective, is bound to have his own views, but even in the article which he quoted I was strengthened to find that "In actual fact" that is how the paragraph reads, "the overwhelming majority of British firms are wholeheartedly behind the principle of progressive Indianization" progressive of course, "and in fact have been engaged in implementing this very policy on their own for a number of years before this became a political issue." Now, one cannot look upon this as a political issue as such In a sense every issue partakes of political character. But this shows that the foreign firms which are here are aware of the fact that there is a strong sentiment, natural sentiment, a justified sentiment in this country that there should be such a nationalization of interests—as I might call it—in the interests of the economic development of the country as a whole. We have invited participation in the economic sphere in this country of our own free voluntary will—untrammelled free will. We have, however, reserved to ourselves what I might say the active determination of the shape that that participation has to take. But in any scheme of foreign participation it goes without saying that except for technical reasons, it is not only in the interests of this country that there should be as much of Indianization as possible—of the personnel engaged in that particular industrial or commercial concern—but it is in the interest of those foreign concerns themselves to see that this policy is implemented because ultimately one has to live in a particular country and in a particular climate.

Sir, something was said of the recent effort made by our Ministry in respect of the collection of material regarding the personnel being employed by the foreign concerns. I should not like to dilate on that point because this would not be a proper occasion to go into that point in detail. I should say that without having specific legal powers to enforce our request for information, the response in any sense has not been disappointing. I found for instance that out of a total of about 1,300 firms as many as 1,191 returned replies and the few that remain will doubtless be subject to this law when it comes into force and they will have to give the information that we have asked for. It is not merely a matter of information. It concerns the whole outlook of our economic life.

And then again, as a matter of fact, my friend Mr. Parikh wished me to give a rough idea of the actual state of affairs as disclosed by the returns that were received. Now I should not like to tease the House by

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any very detailed figures. This might properly be a subject for separate discussion and it is an important enough subject for that. Now we find that as on 1st January 1952 the number of Indians in the category of Rs. 1,000 and over was 1,026 and as on 1st January 1953 it was 1,311—an increase of about 300, and as on 1st July 1953 the number was 1,368, i.e. about 60 more. This is on the technical side. On the managerial and administrative side the number of Indians as on the first date was 1,477, as on the second date 1,676 and as on the third date 1,768. Now regarding the non-Indians, on the technical side, on the first date it was 2,950, on the second it was 2,992 and on the third date it was 2,870. Then on the managerial and administrative side the number of non-Indians was 3,326, 3,290 and 3,186 for the three dates respectively. Well, it is not necessary to give all those details. I am only citing this to show that there is definitely an increasing trend towards employing Indian personnel on the whole. We certainly hope that without any coercive measures, all the foreign concerns operating here will see their way to maximise the number of Indians employed by them. We on this side of the House have no doubt that these foreign firms will respond accordingly. I am not diffident on this point. Ultimately one has confidence in one's own power and the Union of India is an independent and an untrammelled State. Now when that is accepted everything else follows. If something is necessary, something will have to be done. I have no doubt that something will have to be done at the proper time if things do not cure themselves. But in any sphere of our economic life, as in our political life, we have never taken to coercion. We have always taken to persuasion as our policy. My hon. friend Mr. Ghose wanted to know the Government's policy. I should say that if that policy has not been clear to him up till now, I am sorry I cannot.....

SHRI B. C. GHOSE: I did not say that. I said that the Government's policy was there but in view of the observations made in the journal I wanted the Government to restate that they were not going to be deflected from their policy by such implied or covert threat.

1 P.M.

SHRI D. P. KARMARKAR: Yes, that is why he is a little over-anxious about threats and all that. Threats do not affect us. We are conscious that the whole country is behind our effort. No cause is served unless it is backed by a determined will. Now, as I said earlier without any offence to the hon. Member, if the Government's policy in this matter is not clear to him, I am afraid it cannot be made clearer. There cannot be any doubt about that. In fact I belong to that category of people who believe that an unnecessary reiteration of the same thing every morning does disclose a certain element of weakness in us, as if to reassure ourselves that we are strong. We are strong.

SHRI RAMA RAO: What about *Sandhyavandan*?

SHRI D. P. KARMARKAR: My hon. friend knows that *Sandhyavandan* is necessary because यत्पापमह्मकार्षं मकायाया वाचा मनसा is there. Therefore, *Sandhyavandan* is necessary. This is not like *Sandhyavandan*. The National Government today is not conscious of any weakness within us. Therefore no *Sandhyavandan* in this particular respect is necessary.

SHRI RAMA RAO: I do not do it myself.

SHRI D. P. KARMARKAR: I am unhappy that my hon. friend who preaches something to others does not do it himself.

Sir, I need not dwell much on that point.

My friend, Mr. Ghose, reinforced by Prof. Ranga, was very particular about the forms. I am sure it would

be anomalous if we were to go around and consult people on the forms to be used. Ultimately, a form has got to be evolved. It is simply an administrative act. We see for instance that whenever we propose to put down something in law, for every effort in that direction, there is always an effort to defeat it. When we ask for statistics, the purpose of the statistics is quite clear. Forms will have to be evolved. It was rather strange that Prof. Ranga should have suggested that such forms should be prepublished in the official gazette or somewhere else to consult the opinion of the people concerned. I am afraid that in such simple things prior consultation would be rather impractical and would defeat our purpose.

PROF. G. RANGA: Let him consult his experts.

SHRI D. P. KARMARKAR: Then as regards drafting, I have read and reread the Bill after this point was made, and I think that this is one of the measures where the drafting has been most successful. I am afraid that the difficulties which some of my friends have expressed are rather due to a great degree, if I may say so respectfully, to their not reading the enactment itself properly. For instance. I was rather surprised to hear from my hon. friend, Mr. Hegde, as to why so many categories have been mentioned in clause 2(b).

He says, "Why is it that these specific instances are mentioned? Better omit them." The difficulty was that there was a doubt. A commercial concern is a commercial concern. Similarly one may argue with plausibility that a concern engaged in the business of advertising consultants may not be a commercial concern. Therefore we chose points where there might be least doubt and therefore, to place matters beyond all doubt we said, here are these 10 categories about which something could be said that they may not be called commercial concerns. We did not want them to escape. So we said:

> "'Commercial concern' means a public limited company or a co-operative society or a firm or any other person or body of persons engaged in trade or commerce etc."

Is it a concern engaged in trade or commerce? Yes, it is a commercial concern. About one of the categories there might be a question mark. We did not want the question mark there. We wanted the matter to be cleared. Therefore it is that we have sought to include them. If I were to follow the advice given now and omit these, we should find ourselves in a court of law who may say that these are not commercial concerns. To remove any such possibility, we have included them.

There was another point made regarding the categories under welfare of labour. Why not specify them? There is a limit also to specification. We have included under the category (c) all that we considered to be relevant in so far as labour welfare was concerned. My friend over there who has had rather bitter experience of industrial Tribunals wants perhaps this act to be serviceable also in the case of industrial disputes but there is another law relating to industrial disputes. We want this to be a complete register of trade and industry in India. If experience proves that these categories are not sufficient, one or two more might be added and certainly we shall come to this House then.

Then something was said about sub-clause (2) of clause 9. How is that necessary? It says:

> "Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company, etc."

I shall not dilate on this. There have been many measures in which we have incorporated this. There has been a definite effort in a two-fold direction, in this and in other provisions that are incorporated and Parliament has agreed to them in other statutes as well. The idea is, whoso-

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ever is the ostensible manager should not escape on the plea that 'I am simply an ostensible manager'. That is one effort. If you are the manager, if you are directly liable, *prima facie* you are responsible for it unless you are covered by the exception. Secondly, whosoever is not a manager may not be responsible, but if either wilfully or due to neglect he is really responsible, he should also be liable. It is shutting the door from both sides. I am afraid any attempt at whittling the provisions of this section would only enable some persons to escape the penalties of law. I would not like to dilate much further on that particular point.

Then again there was something said about publication. I am afraid there again the confusion arose from the fact that what we said was that if a particular concern or firm gives us confidential information, it is in confidence. One should not take out copies of such information. Tomorrow if we want it, we may make a law that such and such person shall divulge all information if we like. But then in a law of this kind we do not feel it necessary to pick out instances or individuals concerned. There may be an attempt at prying into the secrets of others; it would not in any way conduce to the well being of the country or the industrial or commercial stability of the country if attempts were to be made to pry into individual concern's secrets and therefore we have accepted that, and there also we have said that if the person concerned is satisfied about the necessity and they agree, we shall also be in a position to publish everything about that particular concern. But normally it does not affect our power to publish anything else excepting this. That is to say, cumulative collection of statistics, as have been there in our Overseas Trade or Industrial Monthly Journal of Statistics giving all our prices and things like that.

Then again about Administration my friend Mr. Parikh referred to harassment. I am not aware of any harassment, where our statistical powers have been complained against.

SHRI C. P. PARIKH: Hundred instances.

SHRI D. P. KARMARKAR: I should like him to give five. He has not given one in the course of 2 years. There is a sense of harassment which is real harassment and there is something which one feels as such. There might be difference between these two categories. Whenever you come under any control, it is harassment, it is harassment if you were asked to give information, it is harassment if you ask people to sell things at moderate rates, it is harassment if you are asked not to hoard, it is harassment to be true to the country. Now we do not look upon this as harassment. We consider control to be absolutely in the interests of the economic life of the country. If there is the least sense of harassment about any single order, Government holds itself responsible for it. There is Parliament which is a ventilating ground for such harassment and if there is any unnecessary harassment it is as much for Government as for the people to see that the person who is responsible for unnecessary harassment of any type is properly dealt with. My hon. friend, if he were to bring such cases to the notice of Government and if even then we do not go into it, and if he feels aggrieved at the neglect, then he has every right to complain. But when the Bill comes up, it creates a very bad atmosphere for the success of the measure if you speak of harassment. Sometimes it is notional harassment. It may be imaginary harassment. It may be just a psychological feeling of some persons that they are being harassed. But in fact, this is such a simple, innocuous measure—almost like an anti-cholera or anti-plague vaccine. You cannot say this Bill is likely to cause harassment. Of course, anything can be harassment. A tongawala may feel it is harassment to be asked to go with a light

on. In many cases an ill-mannered official or an ill-intentioned official can be harassing; there are instances like that. But that is no reason why a law should not be passed, because there may be harassment. So I was not able to appreciate that there has been any serious sense of harassment in respect of the statistical laws of this country.

Mr. Hegde said that the law should be effective. I think there can be no two opinions on that. When we come to the House, and take up the time of the House, we do want it to be effective. There is no question of its being ineffective. But in a matter like this, there should be unanimity of opinion about the desirability of the law. I am very grateful for his suggestion that we should be effective because that strengthens our hands.

My friend from Saurashtra asked the question, "What is confidential?" Well, you know Pontius Pilate asked the question, "What is truth" and he paused for an answer. My friend did not pause for an answer. Of course, confidential means something in respect of which confidence should be kept. That is a simple thing. Confidence should be kept whether it be by an individual or by Government. We cannot talk in the market-place on what has been furnished to Government. Government should maintain its prestige and Government has to retain the confidence which the people have reposed in them. Ultimately Government cannot work at random. Because people have placed confidence in them, that confidence should not be abused. It is not for us to abuse that confidence by divulging everybody's confidence. This is, after all, a sort of ventilating Act. We want to collect information and present it to the public, with a possible exception, namely, the particular firm's details.

Mr. Rama Rao was worried about where newspapers came in. (*Interruption.*) Whether he was worried or whether he was not worried, he wanted to know where newspapers came in. Newspapers are clearly commercial concerns. Where there is no altruism, it is a commercial concern. Newspapers, for instance, engage themselves in buying and selling. Obviously they are absolutely commercial concerns. Mr. Rama Rao's remarks might raise some lingering doubts in the minds of some people whether newspapers are commercial concerns or not. Actually it is our grievance that journalism is getting more and more commercial now, and there need be no lingering doubts in the minds of anyone. Newspapers are clearly commercial concerns.

Mr. Rama Rao had another difficulty also. After all this information —of the cart-loads or wagon-loads of it—have been collected what do you do with it? Well, our wagon position is rather difficult and we do not want to tax the Transport Ministry's resources too much by asking for unnecessary details. He has asked, what are you going to do with all this information? Well, statistics can serve one purpose, and that is to concentrate information by means of collection of details and their analysis and then publication, for the public good, of the results of such analysis. So while we shall take care not to ask for wagon-loads, when the information comes to the Ministry, we shall take the best possible care to analyse it and publish it for the economic good of the country.

AN HON. MEMBER: Time is up.

SHRI D. P. KARMARKAR: Since the time is up, as I have been just now reminded, I would like to say finally—finally in the real sense and not as a penultimate observation—that so far as industrial statistics are concerned, I think they are fairly satisfactory.

We have got the commercial overseas trade publications and we have not had any serious complaints about

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that They do require a little improvement by way of giving some more details We have got the monthly statistics of industry which has been very helpful to us and we have not received many complaints about that So, Sir, whereas we shall prize all valuable suggestions, including the suggestion to continue the debate tomorrow, I should like to say

SHRI H P SAKSENA (Uttar Pradesh) No, Sir, I oppose it We got off fifteen minutes earlier yesterday and so there is no harm in continuing the debate for some more time today

MR DEPUTY CHAIRMAN Order, order

SHRI D P KARMARKAR I shall conclude by saying one last sentence which will satisfy both those who want the debate to be continued and those who want to put a stop to it

I was on the point that in giving its full support to this measure the House is really promoting the cause of economic research as also economic thought

Sir I have really nothing more to add and, therefore, I should like to conclude by saying that I appreciate very much the useful suggestions made in this House I have one small humble observation to make to my learned senior over there, Dr. Radha Kumud Mookerji, that in a discussion of such a nature, very useful and educative all opinions expressed on the floor of this Parliament always receive the fullest consideration Sometimes, we have to face the alternative of accepting or not accepting in some cases and in some other cases we do not accept but let him not think that we have treated the discussion as something in the air, though we heartily believe that all of us do have a lot to do in the air Thank you, Sir

MR DEPUTY CHAIRMAN The question is

> 'That the Bill to facilitate the collection of statistics of certain kinds relating to industries, trade and commerce, as passed by the House of the People, be taken into consideration"

The motion was adopted

MR DEPUTY CHAIRMAN. We shall take up clause by clause consideration of the Bill tomorrow The House stands adjourned till 8-15 A M. tomorrow

> The Council then adjourned till a quarter past eight of the clock on Thursday the 27th August 1953

Rajya Sabha debate dated 27-8-1953 on the Collection of Statistics Bill, 1952

II. (i) Report of the Tariff Commission on the continuance of protection to the Hydroquinone Industry (1953).

(ii) Tariff Commission's letter No. TC/ID/E-78, dated the 26th/28th May 1953, submitting the Report cited at (i) above to the Central Government.

(iii) Ministry of Commerce and Industry Resolution No. 8(3)-T.B./53, dated the 15th August 1953.

(iv) Ministry of Commerce and Industry Notification No. 8(3)-T.B./53, dated the 15th August, 1953. [Placed in the Library. *See* No. IV R. 11a (25).]

THE COLLECTION OF STATISTICS BILL, 1952—*continued.*

MR. CHAIRMAN: We take up clause by clause consideration of the Collection of Statistics Bill, 1952.

Motion moved:

"That clause 2 stand part of the Bill."

There is an amendment in the name of Mr. Hegde.

SHRI K. S. HEGDE: (Madras): Mr. Chairman, I do not propose to move the amendment in view of the attitude of Government. They think that a king can do no wrong. After all, it is their goose which is cooked, and I am not interested.

SHRI J. R. KAPOOR (Uttar Pradesh): Try to convince the House.

MR. CHAIRMAN: Any other observations? That means that there is no amendment.

Clause 2 was added to the Bill.

MR. CHAIRMAN: Motion moved:

"That clause 3 stand part of the Bill."

There is an amendment in the name of Mr. Mazumdar.

SHRI S. N. MAZUMDAR (West Bengal): Yes, Sir, I move:

"At page 2, line 29, after the words 'industrial concerns' the following words be inserted:--

'including the amount of profit earned in the past and remitted abroad in the case of foreign owned firms, as well as the national composition of the managing agency firms and other data related to it'."

MR. CHAIRMAN: Amendment moved:

"At page 2, line 29, after the words 'industrial concerns' the following words be inserted:—

'including the amount of profit earned in the past and remitted abroad in the case of foreign owned firms, as well as the national composition of the managing agency firms and other data related to it'."

Both the amendment and the clause are open for discussion.

SHRI S. N. MAZUMDAR: Sir, yesterday in my speech I made it very clear as to why I wanted this amendment. I wanted to make the purpose of collection of statistics very clear. I have referred to the amount of profit earned in the past and remitted abroad in the case of foreign-owned firms. This, Sir, I hold as very important for us to know. As my hon. friend Mr. Rama Rao mentioned yesterday, sooner or later the question of expropriation of British capital is bound to come here. Though that fact is not realised by my hon. friends on the other side, it will have to be placed on the agenda sooner or later. I am not going into that part of the

[Shri S. N. Mazumdar.]

question at this stage, but even for the present after certain very important recent happenings it is very necessary to know actually the amount of profit which has been earned by foreign companies which are operating in India. About that, as it is, there is no clear information. I refer to the question of the dispute about the tram fare increase in Calcutta. Sir, I have come across a report or, rather, an analysis made by Mr. Dey, that the amount of profit which the Calcutta Tramways Company has amassed, and the amount which it has in its Reserve Fund, and taking all these things into account, there is no necessity to increase tram fares for years to come. Rather, the tram fares can be easily reduced without incurring any loss on the part of the Company. But, what is happening? The public is faced with an assertion on the part of the Company that unless the tram fares are increased the Company will be working at a loss and the State Government of West Bengal runs to the rescue of the Company. The details of the agreement which was entered into by the State Government of West Bengal and this Company are not yet public. But, without giving the public an opportunity of getting an exact idea of the Company's financial position. that increase was sanctioned, which means a present of Rs. 16 lakhs a year to a foreign company. We know, Sir, how the public of Madras was inconvenienced and how the employees of the Tramways Company of Madras were retrenched on the very same ground. Take another example to which I referred yesterday also, the question of the tea industry. It is well known that in the tea industry the British capital invested has earned fabulous profits. Apart from the question of expropriation or confiscation—I leave it apart for the time being, as the Government is inviting foreign capital to work in this country supposedly in the interests of the country and as the Government is allowing foreign capital already invested here to work in the country—apart from all these disputes and controversies, it is quite clear that the company or companies which have amassed large amounts of profit in this country in a particular industry should contribute towards the rehabilitation of that industry when that industry is passing through a crisis, instead of trying to put a burden on the shoulders of the consumers, on the labourers and on the smaller sections of the industry. About this I have had to break many lances with my friend the hon. Minister for Commerce and Industry, Mr. Krishnamachari. Of course with Mr. Karmarkar I did not have occasion to break lances on this question of the tea industry. It is my contention that by the policy which the Government of India have followed in respect of the tea industrv it has actually helped the British capitalists in that industry to throw the burden of the so-called crisis on the shoulders of the labourers, on the public and on the Indian sector of the industry.

Sir, I was listening with rapt attention to the speech of my hon. friend the other day on this very subject. All these professions are quite all right but what is required is translation of these professions into practice. We are concerned about the conditions of employment of Indians and the manner in which foreign capital works in this country and my hon. friend echoed these sentiments but the question is that these professions should be translated into practice. Here this Bill seeks to collect some statistics. Many hon. Members from both the sides of the House said yesterday that the collection of statistics should have some purpose. One of those purposes, I suggest, should be to get a clear idea of the position of foreign capital in India. That is why, Sir, I tabled this amendment. This amendment actually is not contrary to the spirit of the Bill which has been moved by my friend or the spirit which has been expressed in the Statement of Objects and Reasons. So I hope that my friend will for

once accept an amendment tabled from this side of the Opposition.

SHRI D. P. KARMARKAR: I am afraid, Sir, that I cannot accept the amendment, but it is, I find, rather irrelevant in the sense that it is unnecessary. We want statistics of the profits made not only by foreign companies but also by Indian concerns which is an equally important matter. The clause as it is is wide enough, and as per that clause Government will have the power to call for statistics in respect of any matter relating to any industry or class of industries, and therefore, Sir, this sufficiently covers the point made by my friend with which I am in substantial agreement so far as our power to collect such information is concerned. Therefore I oppose the amendment.

MR. CHAIRMAN: The question is:

That at page 2, line 29, after the words "industrial concerns" the following words be inserted:—

"including the amount of profit earned in the past and remitted abroad in the case of foreign owned firms, as well as the national composition of the managing agency firms and other data related to it."

The motion was negatived.

The question is:

"That clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

MR. CHAIRMAN: Do you propose to move any of your amendments?

SHRI K. S. HEGDE: No, I do not propose to, but I would request the hon. Minister to give his thought to them.

SHRI D. P. KARMARKAR: I shall, surely.

SHRI B. C. GHOSE (West Bengal): If you are putting the clauses together, Sir, you may put them, except clause 14.

MR. CHAIRMAN: The question is:

"That clauses 4 to 13, both inclusive, stand part of the Bill."

The motion was adopted.

Clauses 4 to 13, both inclusive, were added to the Bill.

MR. CHAIRMAN: Motion moved:

"That clause 14 stand part of the Bill."

SHRI B. C. GHOSE: I want to make only a few observations on this clause. When yesterday I made an appeal to the hon. Minister that he should publish certain things beforehand, including the publication in the Official Gazette of the Form that he may prescribe, it appears, Sir, I am sorry to say, that I had not studied the Bill very carefully. If I committed that error I was—if I may say so—in good company along with the hon. Minister because although yesterday he said that it would not be possible to have previous publication in the Gazette, I find now, Sir, that the clause states "The appropriate Government may, subject to the condition of previous publication, by notification in the Official Gazette, make rules, etc.", so that previous publication, it appears, is compulsory and the Government would not be able to finalise the rules without previous publication in the Official Gazette. Apart from that there was very good reason why I stated yesterday that the Government should consult the people concerned before the Form was finalised. The hon. Minister yesterday gave certain figures about the progressive Indianisation of employment in foreign firms and he showed that the number was increasing. I wish he had not done so because there has been considerable difference of

[Shri B. C. Ghose.]

opinion on the point, although it is not denied that there has been some slight improvement. Yet it is the contention of the Indian executives in the foreign firms that the Form in which information was asked for had assisted these foreign firms in concealing the real information. They also contend that if information were asked for in the Form which they had suggested in the memorandum that they had prepared, then a different picture would have been revealed and the Government's contention that the foreign firms were doing quite a lot would not be substantiated. It is therefore necessary and also desirable that in formulating the Form and the returns in which information should be provided, the interests concerned should be consulted. I do not see what harm it will do to the Government. I am really sorry to find that the hon. Minister spurns the hand of co-operation and assistance which we are willing to offer him because it is a very innocuous matter. There is a feeling particularly among the Indian executives employed in the foreign concerns that the Form which was originally provided for collection of this information helped the executives of those firms to conceal the real information, as I have already stated, and therefore their fear should be allayed. By mere previous consultation that can be done and I do not see why the Government should object to that.

One other point. Although here the clause provides for previous publication, I should like to know what may be the time lag between the publication of the Forms and other rules and the time when they would be finalised. What would be the period of time elapsing between the two things?

SHRI D. P. KARMARKAR: I should say that I appreciate very much the observations made by my esteemed friend who spoke just now. Clause 14 appears to make provision for previous publication. What I said yesterday was that if it were incumbent upon Government to previously publish each and every circular before finalisation, if that was the idea, then I thought that would create difficulties. In so far as co-operation is concerned, I should make my position clear and say that it is always welcome. If I said anything yesterday against that view it was perhaps due to a misunderstanding of the Member's point. We seek the co-operation of all Members and all concerned bodies in all important matters connected with the execution of this Act including the prescription of Forms. I can assure the hon. Member that we shall try to take all concerned bodies into consultation in all important matters. In the execution of this Act we should always have the advantage of public consultation and I can assure my hon. friend that co-operation is not only welcome but we always seek co-operation in these matters.

MR. CHAIRMAN: The question is:

"That clause 14 stand part of the Bill."

The motion was adopted.

Clause 14 was added to the Bill.

Clause 15 was added to the Bill.

Clause 1, the Title and the Enacting Formula were added to the Bill.

SHRI D. P. KARMARKAR: I beg to move:

"That the Bill be passed."

MR. CHAIRMAN: Motion moved:

"That the Bill be passed."

SHRI B. C. GHOSE: I raised a few points while the Bill was in its introduction stage, and since they were not answered I just want to enumerate them. The first was about Indianisation. Then there were one or two points—discrimination and victimisation. The question of Indianisation, the hon. Minister has already dealt with. What I wanted to know in

connection with victimisation and discrimination is this, that the Government might state on the floor of the House that they do not favour such discrimination, and that while there may be an overseas pay fixed for people who are brought in from abroad, the emoluments and other conditions of work would be the same.

Secondly, about victimisation I wanted this, that the Government to say that they would very much like the companies concerned to re-examine the cases sympathetically of those Indians who consider themselves to have been victimised.

There is only one other question—the centralisation of the statistical authority because of the inconvenience that is caused to trade and industry. Could not the statistical authorities be centralised and information asked for from one single agency rather than, as is the case today, through various agencies?

PRINCIPAL DEVAPRASAD GHOSH (West Bengal): Mr. Chairman, undoubtedly the Bill in the form in which it has been placed before us now is a welcome measure. Only one might say that the primary object which was the basis for bringing this Bill forward at this stage should not be lost sight of in the morass of numerical and statistical figures from different commercial, trading and industrial concerns. I might remind the hon. Minister that in the Statement of Objects and Reasons, in the second paragraph, the *raison d'etre*, the reason why this Bill has come into existence, has been very clearly put forward. With your permission, Sir, I might read out that paragraph:

> "Recently, in order to assess the extent to which foreign owned and controlled firms engaged Indians and foreign nationals, a notification calling upon all undertakings to furnish the statistics was issued in all important English daily newspapers all over India. The response to the notification has not however been very satisfactory."

This statement is dated the 12th December 1952. We should be glad to know if any subsequent information has led to more satisfactory conclusions. Now I continue:

> "Though Government can exert pressure to make certain firms submit returns, it is expedient that Government should be armed with powers to compel all concerns (including managing agency firms) engaged in (a) trade and commerce with foreign countries, (b) inter-State trade and commerce, (c) trading firms or corporations, incorporated, registered or otherwise permitted in India, including banking, insurance and other financial corporations, and (d) stock exchanges, to furnish such information."

So it is clear that, according to certain reports, and very reliable reports at that, and certain representations based upon facts, it was found that foreign firms were not dealing with the Indians on their staff in as satisfactory and desirable a manner as a firm operating in India should do. It is curious that though this is the primary objective with which this Bill has been brought forward, we find from the wording of clause 3 of the Bill as it stands no specific reference to this particular matter which has practically necessitated the introduction of this Bill. In fact, when I looked into the wording of clause 3, it was with great difficulty that I could discover where this question of discrimination between Indians and foreign nationals comes in. Of course, I quite appreciate that what is stated in sub-clause (a) of clause 3 is quite comprehensive. It says:

> "The appropriate Government may, by notification in the Official Gazette, direct that statistics shall be collected relating to any of the following matters, namely:—

[Principal Devaprasad Ghosh.]

(a) any matter relating to any industry or class of industries;"

That, of course, is sufficiently comprehensive:

"(b) any matter relating to any commercial or industrial concern, or class of commercial or industrial concerns and, in particular, any matter relating to factories;"

That also is sufficiently comprehensive, but it is so very comprehensive that one is apt to lose sight of that precise purpose for which this Bill has been brought into existence. At least among these miscellaneous objectives, this main objective practically stands a chance of being lost sight of in the vast mass of statistical material that will be otherwise forthcoming.

I shall not detain the House any longer. I shall only say this, that this question of discrimination between Indians and foreign nationals is not the only question that has got to be looked into. Just as firms with foreign capital, or mainly foreign capital, operating in India have got to employ Indian nationals to the largest possible extent consistent with the efficient working of those firms, similarly, there is one other question over which the public mind is greatly exercised, and that question is this. Any firm or any concern operating in any particular State or Province should take care to see that the bulk of the staff employed in that firm or concern should be drawn from the citizens of that State or that Province. There is some reason why I have to make that statement and draw the attention of the hon. Minister to the present undesirable state of things. It often happens that big firms owned or organised or managed by big capitalists have their actual concerns established in a distant Province or State. For instance, there are big firms in Bengal which are owned or managed by capitalists who are non-Bengalis. It is not a case of a provincial matter at all; it is a matter of commonsense. I should think that any firm which is operating in any particular part of the country, in any State or Province should, as a matter of ordinary course, try to enlist the citizens of that State or Province in as large a number as possible, of course, always consistent with the paramount necessity of ensuring the efficiency of working. I simply draw the attention of the hon. Minister to this, that in this matter of distinction or discrimination between foreign nationals and Indians on the one hand and between the citizens of a particular State and citizens of other particular States, the Government should keep.....

SHRI K. S. HEGDE: Is there a particular citizenship for a State?

PRINCIPAL DEVAPRASAD GHOSH: I thought I had made myself clear. In Bengal, for instance, we should suggest that the bulk of the staff should be Bengalis. Similarly, in Bihar or Gujerat or any other Province, if firms are operating there, naturally one would expect that the bulk of the staff should be from among the people of that Province or State. I think I have made myself sufficiently clear.

Only one other point I shall mention before I sit down. That is this. Yesterday we were very glad to listen to certain very brave words uttered by the hon. Minister. The hon. Minister was brave enough to say that no amount of threats or coercion or non-cooperation from these foreign firms would deflect them from the course of their duty. That is all very good. But the fact is that shortly after the transfer of power, with the advent of independence in the mid-summer of 1947, these foreign firms really got a bit frightened, a bit nervous. They thought that naturally the Indian Government would insist that the bulk of the members of their staff should be Indians. But as time went on, these foreign firms found to their great satisfaction that the Government of India were not particularly keen about

it. In fact, even if the Government were theoretically keen, in practice they were supine, quiescent and complacent about the present state of things and so the effect has been—as very reliable reports reveal that the process of Indianisation that was set in motion after the advent of Swaraj in 1947, has practically been given a backward thrust. From 1949 onwards that current has ceased and on the contrary these foreign firms have taken heart and they have convinced themselves that the Indian Government is going to do nothing particular about it and they have started bringing in raw youths from their own countries and putting them over the heads of more experienced Indian staff. They are all doing this with impunity. I should think that that should be a matter of the past and should not be allowed any longer. In view of the words uttered by the hon. Minister yesterday, which I very much welcome, I would only express the wish that those brave words should be matched by equal bravery in practice.

SHRI S. N. MAZUMDAR: Sir, in view of the discussion in this House, it will be very good if the Government does take some steps to institute a thorough enquiry into the conditions of the Indians employed in foreign firms in this country. Sir, I also agree with my hon. friend who said just now that actually there was a feeling and there were actually complaints made by some of the Indian employees that immediately after the transfer of power in 1947 there was some amount of consternation in the foreign firms and they felt that the Indian Government being in power, their misdeeds would not be allowed to continue. But actually after the experience of a year or two, the movement has been in the opposite direction. Therefore it is necessary that a thorough enquiry should be instituted into the conditions of the Indian employees of the foreign firms. I must also say that though I concentrate my fire mainly on the foreign firms as regards their treatment of the Indian employees, still I hold no brief for the big Indian firms as regards their treatment of the Indian employees because there also this discrimination against the Indian employees exists. From the discussion that has taken place here, in this House, I hope that those Indian firms will take a lesson and will try to revise their policy.

Lastly, Sir, I shall be failing in my duty if I do not mention one other fact. I hold, Sir, that this discrimination against Indian employees in foreign firms is also supported by the policy followed by the Government of India, because the Government of India is much enamoured of foreign experts. Sir, it is not possible at this stage to go into the question as to which experts are necessary and how many experts are necessary. But I have come across the fact that there is a considerable volume of opinion among the engineers employed in the D.V.C. and Hirakud Project that their opinions are not heeded by the authorities and if some opinion is placed before them by a foreign engineer, that is very much welcomed. Sir, these things can be dealt with in detail on other occasions but I mention them here in short in the hope that the Government will take note of them.

SHRI K. S. HEGDE: Mr. Chairman, I had no desire to intervene in the debate at this stage but for certain remarks made by my friend, Principal Ghosh, from Bengal, which have pained me extremely. Sir, the past generation has sacrificed its blood for the unity of India, but unfortunately today a discordant note is struck at every stage. We are almost thinking in terms of Bengal for Bengalis, Bihar for Biharis and Karnataka for Kannadigas, or whatever that might be. We, the Members of Parliament, owe a great responsibility to our country to see that the unity of India is in no manner jeopardised for any loaves and fishes. That a friend of the eminence of Principal Ghosh should have said that employees in foreign firms—Indian employees—should be citizens of that particular

[Shri K. S. Hegde.]

State, is most surprising. He is mistaken in that there is no citizen of a particular province or a particular State. To say that Bengal is for Bengalis, Bihar is for Biharis or Karnataka is for Kannadigas, is an entirely unfortunate statement and the repercussions of such statements are already seen wherever we go today. We are increasingly forgetting the fact that we are Indians first and Indians last. That process should not be accentuated and for that reason the Members of Parliament should never, either directly or indirectly, encourage that kind of separatism. My appeal, therefore, to Principal Ghosh and to other Members of Parliament, is that we owe a great duty to this motherland of ours to think more and more in terms of India as a whole and less and less in terms of our provincial bias and that we should never encourage provincial patriotism as against nationalism. With these few words, Sir, I request every Member of Parliament to join me so as to have only one nationalism, *i.e.*, the Indian nationalism, and one citizenship, *i.e.*, the Indian citizenship—nothing more and nothing less.

SHRI H. P. SAKSENA (Uttar Pradesh): I wish my hon. friend Mr. Hegde had not read that sermon to us.

MR. CHAIRMAN: The hon. Minister.

SHRI D. P. KARMARKAR: Mr. Chairman, I am happy that I am at one with my esteemed colleagues in so far as the substance of their observations is concerned.

Now, my friend Mr. Ghose wanted a little clarification regarding our policy on discrimination and victimisation. I do not hold any different opinion on that point and that is why I did not refer to those points. Government are, like everybody, agreed upon the point that there should be no discrimination, that there should be no victimisation in the case of any employee. Then regarding his other suggestion, Sir, regarding the advisability of having one agency for canalising statistics, it is well known that the Central Statistics Organisation has already started its work and it might be possible, under the aegis of that organisation, to get all the statistical resources and work in the direction proposed by my esteemed colleague. But for working out the purposes of this Act, we want statistics regarding commercial and industrial concerns. Our objects will be limited by our requirements and naturally it is difficult to say at the moment as to when such a canalisation—a complete canalisation—will take place. For instance, my friend over there, who was interested much in industrial disputes, wanted us to collect information from the point of view of industrial disputes. Now, someone else may want us to collect information from some other point of view. But the purpose of the Bill has been specifically laid down. The various clauses are absolutely specific regarding the types of information to be collected.

Then, Sir, I should also like to refer to one point made yesterday. That is: What is the information that is going to be published? I think, it is essential for us to remember that it is not our object to hold one concern, an individual concern or individual concerns, and publish statistics regarding them. What is going to be done naturally will be to invite all concerns under a particular category to give information and the publication will necessarily reveal a sort of general idea. For instance, if we want to know the production of a particular item, we will have to collect all the information from all the concerns and then we will say "This is the total production". That is really of educative value. So, Sir, that would be the way in which the information would be published.

Now, my friend Principal Ghosh said that I was rather brave in making the statement. We, Sir, on this side of the House are not so emotionally guided. We just are interest-

ed in stating facts. He referred to what he thought was a psychological reaction of 1947. Now my learned friend is a keen student of public affairs. In 1947—I do not want to dwell on that point because it is not exactly germane to the discussion here—what happened was that some foreign firms were much more apprehensive than they ought to have been. I remember very well, I asked somebody a question and he said "I am going to wind up business two months after August 1947." Actually there was a lot of apprehension in the minds of the foreigners, and that was the wish also of some of our countrymen. Now on that matter, Sir, the Government's policy has been absolutely clear beyond any doubt that wherever we still consider that participation by foreign concerns is in the interest of the country, we do not want to disturb them to the extent to which it is really in the interest of our country. Someone absolutely critical may say that it is absolutely unnecessary and so wipe them out from India. We do not belong to that group. Wherever foreign concerns are considered necessary in the interests of the country, we go in for them. It is not a question of bravery or otherwise. As I said yesterday, any foreign concern operating here should adapt itself to the atmosphere of the country in which it operates. It is not a question of exercising coercion, because we do not believe in coercion. We are quite sure that the climate in which the affairs of this country are being conducted year after year will force the foreign concerns to see the wisdom of employing as many Indians as possible not only in the interests of the country where they operate but also in their own interests.

PRINCIPAL DEVAPRASAD GHOSH: But we have to create that climate.

SHRI D. P. KARMARKAR: The climate is being created as will be shown by the figures I gave yesterday and also the figures which I propose to place before the House today. In the year 1947 in the pay group Rs. 1,000 and above, the Indian employees were 494; and in 1952 they were 2,288. In 1947 in the same pay group the non-Indian employees were 5,814 and in 1952 they were 7,055. In the pay group Rs. 500—999, the Indian employees in 1947 were 2,215 and in the year 1952 they were 5,653. In the same pay group the number of non-Indians in 1947 was 1,602 and in 1952, their number was 997. In the pay group Rs. 300—499, the number of Indian employees in 1947 was 3,406 and in 1952 their number was 7,562. In the same pay group, the number of non-Indians was 152 in 1947, and their number in 1952 was 79. From these figures my hon. friend will see that a suitable climate has been created and that more and more Indians are being employed. We have a measure of confidence that the position in this regard will be satisfactory.

With regard to victimisation, it is possible that in such cases, just as my hon. friend suggested, assuming that his information is correct, it may be due to certain predilections and partiality. But we do not make any distinction as between people belonging to one State and people belonging to any other State. I am quite sure that my hon. friend will appreciate that we cannot very well interfere in these matters except by stating the general principle that every citizen of India is on a par with every other citizen of India. In cases of victimisation, all that we can do is to pursue our policy and to see that that policy becomes popular with these concerns.

Then, my hon. friend, Mr. Mazumdar, said that we are rather enamoured of foreign experts. We do not object to foreign experts because they are foreign.

SHRI P. SUNDARAYYA (Madras): Nor do we.

SHRI D. P. KARMARKAR: I can easily contradict the hon. Member by merely pointing out to the way in

[Shri D. P. Karmarkar.]

which they react as soon as anything is mentioned about foreign experts. Whenever foreign experts are mentioned, there is great impatience on their part. So far as we are concerned, wherever our schemes require foreign experts, we have taken them. There is no gainsaying it. I do not know of any other country which has shown any impatience about foreign experts.

SHRI S. N. MAZUMDAR: What was objected to was the way foreign experts are thrust, if the Press report is correct, by the Deputy Labour Minister in Geneva.

SHRI D. P. KARMARKAR: Many a time we find that the Press reports are not correct. We cannot proceed on Press reports. I was on the point that, whereas it might be found that every foreign expert that we have employed is not as competent as we thought him to be—as a matter of fact every employee that we employ may not be found to be as competent as we thought him to be—by and large I can say that the foreign experts whom we have invited have done justice to their jobs. We have gained a lot from them. This is not a question of foreign exploitation of our economic resources and the like. We do believe in inviting experts from wherever they are available, and I am quite sure that my hon. friend who suggested this is not for any deterioration of the economic interests of this country. If our country's economic development requires foreign experts, I can only hope that he will not oppose the introduction of foreign experts. I think that by and large the foreign experts that we have invited to help us have rendered us very good service, and in the future also we propose to invite foreign experts whenever it is considered necessary. Not that we are enamoured of them. "Enamoured" is rather an enamouring word, and so I do not propose to dwell further on this point. We do invite foreign experts wherever we think it necessary, in the best interests of the country.

SHRI S. N. MAZUMDAR: But do not neglect Indian experts.

SHRI D. P. KARMARKAR: There is no question about that. If my hon. friend thinks that we are neglecting Indians as Indians, there is no hope for us or for this country.

SHRI P. SUNDARAYYA: You are neglecting.

MR. CHAIRMAN: The question is:

"That the Bill be passed."

The motion was adopted.

THE INDIAN RAILWAYS AMENDMENT BILL, 1953

MR. CHAIRMAN: We now pass on to the next item. Mr. Lal Bahadur to move that the Bill further to amend the Indian Railways Act, 1890, be taken into consideration.

SHRI B. RATH (Orissa): May I submit to you, Sir, that the notice about the consideration of this Bill today was given to us day before yesterday night at about 11 P.M.

SHRI H. N. KUNZRU (Uttar Pradesh): This is true.

SHRI B. RATH: As such, there has been very little time for us to give any consideration to this Bill and to see what are the pros and cons of the various clauses that are there. It may be a small Bill but since it is affecting the Railway service and the persons who are serving on the railways, I would request you to postpone the consideration of this Bill to a later stage and take up the second item first.

MR. CHAIRMAN: I do not know. (*Addressing Mr. Lal Bahadur*) I think you will explain the provisions of the Bill carefully.

SHRI B. RATH: It is not a question of merely explaining the provisions,

Extract

66th Report of the Standing Committee on Finance

STANDING COMMITTEE ON FINANCE

(2007-08)

FOURTEENTH LOK SABHA

MINISTRY OF STATISTICS AND PROGRAMME IMPLEMENTATION

THE COLLECTION OF STATISTICS BILL, 2007

SIXTY-SIXTH REPORT

MINISTRY OF STATISTICS AND PROGRAMME IMPLEMENTATION

THE COLLECTION OF STATISTICS BILL, 2007

Presented to Lok Sabha on 18 March, 2008
Laid in Rajya Sabha on 18 March, 2008

March, 2008/Phalguna, 1929 (Saka)

INTRODUCTION

I, Chairman of the Standing Committee on Finance having been authorized by the Committee to submit the Report on their behalf, present this Sixty-Sixth Report on the Collection of Statistics Bill, 2007.

2. The Collection of Statistics Bill, 2007, introduced in Rajya Sabha on 17 May, 2007, was referred to the Committee on 30 May, 2007 for examination and report thereon, by the Hon'ble Speaker, Lok Sabha in consultation with the Chairman, Rajya Sabha under Rule 331E of the Rules of Procedure and Conduct of Business in Lok Sabha.

3. The Committee obtained written information on various provisions contained in the aforesaid Bill from the Ministry of Statistics and Programme Implementation. The representatives of the Ministry of Statistics and Programme Implementation also briefed the Committee at their sitting held on 25 July,2007.

4. Written views/memoranda were received from the Ministries of Health & Family Welfare, Home Affairs, Steel, Textiles, Labour and Employment and Micro, Small and Medium Enterprises (MSME); Directorate of Economics and Statistics, Government of Maharashtra, Economic Reforms and North- Eastern Council Affairs Department, Government of Sikkim and Planning and Co-ordination Department, Government of Orissa; Confederation of Indian Industry (CII) and Educational Consultants India Ltd. (EDCIL); and Dr. K. Srinivasan, Emeritus Professor, International Institute of Population Sciences, Mumbai.

5. The Committee at their sitting held on 7 November, 2007 took evidence of the representatives of the Ministries of Health & Family Welfare, Home Affairs, Steel, Textiles, Labour and Employment and Micro, Small and Medium Enterprises (MSME).

6. The Committee took oral evidence of the representatives of the Ministry of Statistics and Programme Implementation on 13 December, 2007.

7. The Committee considered and adopted this report at their sitting held on 12 March, 2008.

8. The Committee wish to express their thanks to the representatives of the Ministries of Statistics and Programme Implementation, Health & Family Welfare, Home Affairs, Steel, Textiles, Labour and Employment and Micro, Small and Medium Enterprises (MSME) for appearing before the Committee and furnishing the material and information which were desired in connection with the examination of the Bill.

9. The Committee also wish to express their thanks to Directorate of Economics and Statistics, Government of Maharashtra, Economic Reforms and North- Eastern Council Affairs Department, Government of Sikkim and Planning and Co-ordination Department, Government of Orissa; Confederation of Indian Industry (CII) and Educational Consultants India Ltd. (EDCIL); and Dr. K. Srinivasan, Emeritus Professor, International Institute of Population Sciences, Mumbai for furnishing Memoranda on the provisions of the Bill.

10. For facility of reference, the observations/recommendations of the Committee have been printed in thick type in the body of the Report.

NEW DELHI;
March, 2008
Phalguna, 1929 (Saka)

(ANANTH KUMAR)
Chairman,
Standing Committee on Finance

REPORT

The Collection of Statistics Bill, 2007 was introduced in the Rajya Sabha on 17 May, 2007 and was referred to the Standing Committee on Finance on 30 May, 2007 by the Hon'ble Speaker, in consultation with Chairman, Rajya Sabha for examination and report thereon.

2. The Committee invited memoranda/suggestions regarding the Collection of Statistics Bill, 2007 from various Central Ministries, State Governments and other Organisations and experts. The Committee received memoranda/suggestions on the provisions of the Bill from the Ministries of Health & Family Welfare, Home Affairs, Steel, Textiles, Labour and Employment and Micro, Small and Medium Enterprises (MSME); Directorate of Economics and Statistics, Government of Maharashtra, Economic Reforms and North- Eastern Council Affairs Department, Government of Sikkim and Planning and Co-ordination Department, Government of Orissa; Confederation of Indian Industry (CII) and Educational Consultants India Ltd. (EDCIL); and Dr. K. Srinivasan, Emeritus Professor, International Institute of Population Sciences, Mumbai .

3. The Committee heard the views of the representatives of Ministries of Health & Family Welfare, Home Affairs, Steel, Textiles, Labour and Employment and Micro, Small and Medium Enterprises (MSME) on the Bill.

4. While the Central Ministries and State Governments have, in general, welcomed the Collection of Statistics Bill, 2007, the Confederation of Chambers of Commerce and Industry (CII), in particular, expressed reservations on certain provisions of the Bill.

5. The Committee also took evidence of the representatives of the Ministry of Statistics and Programme Implementation in connection with examination of the Bill.

A. EXISTING LAW

6. The existing Collection of Statistics Act of 1953 was enacted to facilitate collection of statistics relating to industry, trade and commerce. It was an enabling legislation by which the Central Government as well as the State Governments could make declarations through a notification published in the Official Gazette, of their intention to collect statistical data from various enterprises by appointing a Statistics Authority for conducting survey operations and exercising various powers and duties under the act. The statistics officer is expected to issue a notice in writing to the owners/occupiers of enterprises requiring them to furnish information within the time period specified in the

notice. The Act also provides for certain penalties for willfully refusing to furnish, or, furnishing of false information. There are also penalties specified in the Act against persons engaged in data collection for violating the secrecy provisions in the Act.

7. On the extent of usage of the provisions of the existing Act for collecting statistics, and the limitations of the Act, the Ministry of Statistics and Programme Implementation have inter alia stated as follows:-

> "The provisions of the Act have been, so far, effectively used in conducting the Annual Survey of Industries (ASI) by the Ministry of Statistics & Programme Implementation for collecting information on input, output and employment from some of the units registered under the Factories Act, 1948 (63 of 1948) and Beedi and Cigar Workers (Conditions of Employment) Act, 1966 (32 of 1966). The Central Government has made rules under the act, viz., the Collection of Statistics (Central) Rules, 1959 to facilitate the conduct of ASI. In addition, nine State Governments, viz., Andhra Pradesh, Bihar, Haryana, Karnataka, Kerala, Maharashtra, Punjab, Rajasthan and Tamil Nadu have also made rules under the Act to collect data in areas not covered by the Central Government. Besides, the Office of the Coal Controller has been collecting information on coal mines under the provisions of the Collection of Statistics Act. Thus, the Act has so far been used for the restricted purpose of collecting information from a limited segment of the industrial sector.
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> There are many other survey programmes in the Government setup both at the Central and the State levels wherein information is being collected from households, enterprises, companies, public and private institutions, etc., on a purely voluntary basis. Besides, the law enforcing authorities also collect different types of statistical information under the powers vested with them in the respective statutes for the purpose of enforcement. In the wake of liberalization, privatization and globalization (LPG) resulting in delicensing/deregulation, the system of obtaining information as a byproduct of administering various statutes/regulations is losing ground gradually. The need for statistical information for planning and policy formulation has also expanded over the years due to market driven economy in most of the sectors with the increasing role of

the private sector in areas, which were under the monopoly of the public sector."

Need for new Law

8. The provisions under the existing Collection of Statistics Act, 1953 are not adequate to meet the new challenges arising out of the LPG regime manifested by the WTO agreement. The issue of adequacy of the existing Collection of Statistics Act of 1953 was studied at length by the National Statistical Commission under the Chairmanship of Dr. C. Rangarajan which presented its report to the Government in August, 2001. The limitations of the Collection of Statistics Act, 1953 as observed by the Rangarajan Commission are given below:-

(i) The Collection of Statistics Act, 1953 has been serving at present, the limited purpose of ASI, which covers only a part of the entire industrial sector. There are a large number of industries in the small scale sector, which are excluded from the scope of ASI. Similarly, there is plenty of industrial activity in the unregistered informal or household sector, which is out of the ASI purview, though it plays a highly significant role by way of feeding the larger units as well as producing value added goods for non-industrial consumers. Although there is scope under section 2(b) of the Act to cover all "commercial concerns", this is not being done so far. It is also necessary to include sectors such as information technology, bio-technology, food processing and the services sector whose share in the economy is rapidly growing. To include the developments in these industries and related sectors, data must flow out of the provisions of the Act.

(ii) Even where the Collection of Statistics Act, 1953 with provision for prosecution can be executed, response is poor. This is largely due to the meager penalty of a maximum fine of Rs. 500/-, which theoretically can be extended to a fine of Rs. 200/- per day on default beyond a certain period, which has almost never been imposed. So the Act in such cases hardly serves the purpose and becomes counter-productive. This is despite the fact that the factories covered under ASI are statutorily obliged to furnish the required data in the prescribed format.

9. The Rangarajan Commission also recommended that necessary legal provisions should be made either by expanding the scope of the present Collection of Statistics Act, 1953 or by passing a new Act or Acts to:

(a) Cover any topic under Core Statistics, as defined by the proposed NSC.
(b) Make it obligatory on the part of individuals, or enterprises, or State and private agencies to provide the information sought for any survey under the aegis of the NSC;
(c) Provide right of access to records, including the record of Government agencies for statistical purposes;
(d) Ensure the informant's right to privacy by making it illegal to publish the identity of the informant, or by requiring him to furnish sensitive information;
(e) Provide penalties on informants, for their refusal to supply, or for willfully supplying wrong information; and
(f) Make it a penal offence for a statistical officer authorized to collect, process, or disseminate information collected from any survey under the Act, if he willfully distorts or manipulates the data.

10. The Ministry of Statistics and Programme Implementation have stated that the recommendations of the Rangarajan Commission were considered in the Cabinet meeting held on 27th February, 2002 and were noted for implementation. Initially, a Bill called "Amendment to Collection of Statistics Bill, 2002' was drafted by the Ministry and circulated on 11.11.2002 to all the Central Ministries/Departments and the State Governments. On the basis of the comments received from Central Ministries/Departments and the State Governments, the new Bill, viz., the Collection of Statistics Bill, 2007 was proposed in consultation with the National Statistical Commission and the Legislative Department.

Salient features of the Collection of Statistics Bill, 2007

11. Some of the salient features of the Collection of Statistics Bill, 2007 vis-à-vis the provisions of the existing Act are as follows:

(1) In the existing statute, the Central Government and the State Governments were empowered to issue a notification for collection of statistics on any subject from any industrial or commercial concern. In the proposed Bill, the scope has been enhanced to collect all kinds of statistics not only from industrial/commercial concerns but also from individuals and households. The local governments such as

Panchayats and Municipalities are also proposed to be empowered to collect statistics in the proposed Bill.

(2) In the existing statute, the Central Government/State Governments, as the case may be, were empowered to appoint a Statistics authority for conducting the collection of statistics. In the proposed Bill, the scope would be enhanced to such an extent that any Government Department/Organisation either in the States or at the center or local government could appoint a statistics officer for each subject of data collection and/or for each geographical unit. Thus, the proposed Bill while continuing with the enabling nature of the existing Act enhances the scope of the definition of 'appropriate Government' by the inclusion of local governments within its ambit.

(3) In the proposed Bill, necessary provisions have also been made for ensuring support to any statistics officer appointed by the appropriate Government, in terms of providing necessary inputs, manpower, etc. Such provisions are not there in the existing statute.

(4) In the existing statute, no mechanism has been prescribed for avoiding duplication of surveys and for ensuring standards for the collection of statistics. In the proposed Bill, the Central Government is proposed to be empowered to make rules for avoiding duplication and for maintaining technical standards in data collection in respect of 'core statistics', which are important for the country.

(5) In the existing statute, the mode of data collection was in the form of a return, which would be obtained by the statistics officer after issuing a notice to each industrial/commercial concern. In the proposed Bill, all methods of data collection including oral interviews and filing of returns electronically have been covered.

(6) As per the existing statute, the information collected from any informant under the Act cannot be made use of for any purpose other than for prosecution under the Act or under the IPC. In the proposed Bill, it is provided that the information would be used only for statistical purposes.

(7) In the existing statute, the penalties were very meager and the procedures for prosecution were very cumbersome. In the proposed Bill, these have been rationalized. Penalties for not furnishing information are proposed to be enhanced. The procedure for trial has been simplified, to eliminate the burden of proof on the data collection agencies, by way of a summary trial.

(8) Appropriate enabling provisions have also been proposed in the Bill for notifying certain subjects of national importance as 'core statistics', for the purpose of ensuring methodological standards, timeliness, credibility and completeness.

(9) Adequate provisions have also been made in the Bill to avoid unnecessary duplication of data collection programmes.

12. By way of giving the rationale for proposing enactment of the new law, and highlighting the differences between the existing Act and the proposed Bill, the Secretary, Ministry of Statistics and Programme Implementation stated as follows during the briefing session with the Committee on the proposals of the Bill:

> "The first major difference between the existing Act and the proposed Bill is that the existing Act is restricted to industrial and commercial concerns whereas the Bill expands the scope to include not only industrial, commercial concerns but administrative records, individuals and households and it covers a range of statistics which is economic, demographic, social, scientific and environmental. Any kind of data that is required for public purpose can be collected under the proposed Bill but could not be collected under the existing Act.
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> We are expanding the scope also in terms of the institutions. Earlier it was only the Central and State Governments. Now we want to empower the local bodies as well."

13. The Committee, having examined all aspects of the Collection of Statistics Bill, 2007 recommend consideration of the Bill, subject to the observations made/modifications suggested in this Report. The Bill is intended to overcome the limitations of the existing Collection of Statistics Act of 1953, *inter-alia,* by expanding the scope to collect statistics not only from industrial/commercial concerns but also from individuals and households; granting any Ministry or Department in the Central or State Governments or Union Territory Administration, or any Panchayat or municipality the authority to collect statistics; enhancing the penalties for not furnishing information and rationalizing the procedures for prosecution; and empowering the Central Government to frame rules for avoiding duplication of data collection and for maintaining standards in data collection in respect of core statistics, which are of importance for the country.

14. During the examination of the Bill, the Committee observed certain key issues of concern. These are discussed in the subsequent sections of the report.

B. Principles governing outsourcing

15. Clause 4 (3) of the Bill enables the appropriate Government to employ on contract basis, any agency or company or organization or association or person, as may be necessary, for the purpose of collecting the statistics directed by it.

16. Asked what kind of checks are provided to prevent possible tampering or interpolation of statistical data collected by an outsourced agency, the Ministry of Statistics, in a written reply stated:

> "The manner of data collection including checks against tampering of data is survey specific and no general principle can be laid down in the Bill. The required controls have to be made in the respective survey specific contracts. The informants would be made known of the intentions of the Government for collection of any type of statistics. If any data collector goes beyond such intention, it would be a case of impersonation which could be punished under Clause 21 of the Bill."

17. Clause 21 of the Bill provides that 'whoever, not being authorized to collect the statistics under the provisions of the Bill, by words, conduct or demeanor pretends that he is authorized to do so, shall be punishable with a fine which may extend to two thousand rupees and in case of a company which may extend to ten thousand rupees'.

18. The CII, in their memorandum, submitted to the Committee contended that statistical information being of sensitive nature, its collection should not be outsourced by Government to any agency without prescribing adequate safeguards and governance process and liability/responsibilities of such agency in the event of misuse or breach of information/confidentiality. The CII also felt that the circumstances in which outsourcing can be done as well as qualification of persons to whom outsourcing can be done should be prescribed.

19. Commenting on the point, the Ministry of Statistics and Programme Implementation in a written reply stated:

> "It is for the appropriate government as defined in Clause 2 (b) of the Bill to decide whether the collection of statistics directed by it has to be done through outsourcing or not. Hence, the Bill enables 'outsourcing'. Private agencies engaged in the process would be bound by the security provisions given in Chapter-III of the Bill and they would also be subject to penalties in case of any violations as per the penal provisions in the Bill."

20. When pointed out that Chapter III of the Bill has not prescribed any guidelines of persons to whom outsourcing can be done, the Ministry of Statistics and Programme Implementation stated:

> "Chapter III of the Bill relates to disclosure of information in certain cases and restrictions of its use, and these provisions are applicable to all the data collection agencies. Failure to comply with the provisions attracts penalties provided in Chapter IV of the Bill. It is expected that the concerned Government agency will build appropriate provisions in the outsourcing contracts."

21. Admitting the need to provide safeguards in the matter of outsourcing, the Secretary, Ministry of Statistics and Programme Implementation submitted as follows while deposing before the Committee:

> "All this would have to be provided for and we would have to build in the safeguards with the agencies with whom we outsource to not to misuse the data that they are collecting."

22. The Committee note that though Clause 2(a) and Clause 4(3) of the bill enable the appropriate Government to employ on contract basis, any agency or company or organization or association or person, as may be necessary for the purpose of collecting the statistics, there is no provision in the bill to prescribe suitable safeguards for such outsourcing the collection of statistics which is sensitive in nature. The Committee do not agree with the Ministry of Statistics and Programme Implementation that required controls will have to be made in respective survey specific contracts. The Secretary, Ministry of Statistics and Programme Implementation, however, admitted during oral evidence the need to build safeguards governing outsourcing. The Committee desire that general principles governing outsourcing the collection of statistics be prescribed by the Central Government under Clause 32 of the bill.

C Exclusion of 'instrumentality'

23. In terms of Clause 2 (b), the term 'appropriate Government' means:

> (*i*) any Ministry or Department in the Central Government or its instrumentality; or

(*ii*) any Ministry or Department in a State Government or Union territory Administration or its instrumentality; or

(*iii*) any local government that is to say, Panchayats or Municipalities, as the case may be,

in relation to the collection of statistics under a direction issued by it under section 3;

24. The CII, in its memorandum contended that the definition of the term 'Appropriate Government' under clause 2 (b) should be limited to Central Govt. or State Govt. or Union Territory Administration and should not extend to"…its instrumentality or Panchayats or Municipalities". According to CII, this is necessary to ensure control over confidential/ sensitive information; to avoid duplication in information collection; and prevent misuse of the power to prescribe and collect information, by vested interests.

25. Asked to respond to the view expressed by CII in this regard, the Ministry, in a written response stated, *inter-alia*:

> "The Rangarajan Commission has described the Indian statistical system as laterally decentralised among the Ministries of the Government of India, and in every one of them, vertically decentralised, between the Centre and the States. Similarly, the requirements of local governments are different and data collection on such aspects should be left to them, since as per the 73rd and 74th Constitutional amendments, powers have to be given to PRIs and Municipalities, as the third tier of government."

26. Similarly, on the issue of proposing to empower the Municipalities and Panchayats to collect statistical data, the Secretary, Ministry of Statistics and Programme Implementation stated as under, while deposing before the Committee:

> "….after the 73rd and 74th constitutional amendments, when we created a new tier of Government, that tier of Government today has no authority to collect statistics. We have gone and mandated constitutionally that District Plans will have to be made. A district Planning Committee is to be established and District Plans will have to be made. But that District Planning Committee has no teeth to collect data, which is relevant to

their planning. So, we need to cover the PRIs and the urban local bodies also and empower them to collect data."

27. As regards the possibility of duplication in information collection and susceptibility to misuse power to collect information by vested interests, the Ministry of Statistics and Programme Implementation stated *inter-alia*:

> "The apprehension that the power to prescribe and collect information may be susceptible to misuse by vested interests is misplaced, as no such case has been reported so far with regard to data collection under the existing Act. With regard to the possibility of duplication in information collection, the Bill provides for delegation of rule making power to the Central Government under Clause 32 (2) (a) to avoid unnecessary duplication."

28. Clause 32 cited in the Ministry's reply, enumerates matters with respect to which the Central Government shall have powers to make rules under the Bill, which includes avoiding 'unnecessary duplication in the collection of statistics'.

29. The Ministry, however, expressed agreement with the suggestion to remove the term 'Instrumentalities' from the scope of the definition of 'appropriate Government'.

30. By way of elaborating the reasons that led to the re-thinking to remove the term 'instrumentalities' from the definition of the term, 'appropriate government', the Secretary, Ministry of Statistics and Programme Implementation, while tendering evidence stated:

> "..As far as instrumentality of the State is concerned, I think, we are inclined to believe that the august Committee does have a very strong point because instrumentality of the State, as a nomenclature, covers a wide range of institutions, which were not intended to be covered for the purpose of collecting statistical data.

31. The Committee are not inclined to agree with the suggestion of CII for exclusion of Panchayats and Municipalities from the ambit of the definition, 'appropriate Government' for the reason that the local governments need to collect statistical data for formulating district plans as mandated by the Constitution. The Committee, however, desire that, as agreed to by the Secretary, Ministry of Statistics and Programme Implementation, Clause 2 (b) of the Bill be amended to exclude 'instrumentality' of the Government from the purview of the definition

'appropriate government', as the nomenclature 'instrumentality' covers a wide range of institutions which are reportedly not intended to be covered for the purpose of collecting statistical data.

D. Nodal functions

32. According to the Ministry of Health and Family Welfare, although the provisions of clause 4(1) of the Bill provide for appointment of Statistics Officer by the 'appropriate Government', there was an apparent dilution or absence of the role of the Ministry of Statistics and Programme Implementation as the nodal Ministry for collection of Statistics. In response to this point, the Ministry of Statistics and Programme Implementation stated:

> "The allocation of business to the Ministry of Statistics and Programme Implementation specifies that the Ministry will act as the nodal agency for planning integrated development of the statistical system in the country and coordination of statistical work with a view to identifying data gaps or duplication of statistical work. Thus the actual collection of data will continue to be the responsibility of the concerned organisations, a task that is to be made more effective through the present Bill. Consequently the appointments of Statistical Officers have been left to the appropriate Government rather than to the Ministry of Statistics and Programme Implementation. The intent of the Bill is to provide umbrella legislation without giving authority to any one individual or body. The nodal functions necessary in effective implementation of the provisions of the Bill will be addressed while framing rules, which power would be with the Central Government as per Clause 32 of the Bill."

33. Clause 32 of the Bill enumerates matters with respect to which the Central Government shall have the power to make rules, which include inter alia, the 'principles for prescribing the form and manner in which the information may be required to be furnished'.

34. It was also added as under by the Ministry, in reply:

> "Strengthening the nodal role for bringing better coordination and standardization is also proposed to be addressed through a separate Bill and this issue is presently under the examination of the National Statistical Commission."

35. Questioned about the justification for proposing a separate Bill for bringing better co-ordination and strengthening the nodal role of the Ministry, instead of addressing the issues in the current Bill, the Ministry, in reply stated:

> "Given the enormity and complexity of the statistical system, it is not possible to control and regulate the entire system. It is also not desirable to set uniform standards for all official statistics, as the requirements for different Government Departments could be different. However, for certain statistics of national importance, standards could be set. The Rangarajan Commission recommended that statistics of national importance be designated as 'core statistics'. Therefore, for such statistics to be known as 'core statistics', a separate Bill for standardization and coordination is justified."

36. The Committee hope that the rules for enabling effective implementation of the provisions of the Bill will be made at the earliest under Clause 32.

37. A separate Bill for standardization of statistical activities and coordination, with specific reference to 'core statistics' of national importance is reportedly on the anvil. The Committee expect that the process of identification of 'core statistics' of national importance, and the related Bill pertaining to standardization of statistical activities and coordination is finalized and brought before Parliament expeditiously.

E. Inspection and power of entry into premises - Clause 7 and Clause 8

38. Clause 7,of the Bill reads as under:

> "Every agency shall render such help and assistance and furnish such information to other agency or any statistics officer as it may require for the discharge of its or his functions, and shall make available for inspection and examination of such records, plans and other documents, as may be necessary."

39. Further, Clause 8 pertaining to 'right of access to records or documents provides as under:

> "The statistics officer or any person authorised by him in writing in this behalf shall, for the purposes of collection of any statistics under this Act, have access to any relevant record or document in the possession of any informant required to furnish any information under this Act, and may enter at any reasonable time any premises where he believes such record or

document is kept and may inspect or take copies of relevant records or documents or ask any question necessary for obtaining any information required to be furnished under this Act."

40. As regards the provisions of Clause 7, the CII, in their Memorandum contended that Collection of information being intended for statistical purposes, inspection and examination of books should not be allowed as it has the potential of misuse of authority and breach of confidential information, and would also make the process onerous and burdensome for the informant. For meeting the objective of accuracy of information, the CII proposed that the Act may specify that such information shall be attested by a responsible person. Any limited inspection should be undertaken by senior government official only (prescribed rank) and not by outsourced agencies.

41. Further, as regards conferring the right of 'access to records or documents' under Clause 8, CII contended that these provisions confer unbridled power to the statistics officer. If such officer enters any premises without notice and even without any failure on part of informant, this would violate 'right of privacy'.

42. Asked to respond to these contentions on the provisions of Clause 7 and 8, and specifically as to how safe custody of information; confidentiality obligations of Statistics Officer and their liability for breaches are to be addressed, the Ministry of Statistics and Programme Implementation, in a written response, inter alia stated:

"The data collectors including the statistical officers must have the power to see relevant records and enter the premises of informants at any reasonable time for collecting and establishing the authenticity of the information. However, the concerns about the manner in which these rights would be exercised by data collectors would be addressed while framing rules. Adequate provisions are made in the Bill for security and confidentiality of information."

43. Also asked to elaborate the meaning of the term 'may enter at any reasonable time' as occurring in Clause 8, to suit survey specific requirements viz., for household surveys, as distinct from accessing company records etc. the Ministry of Statistics and Programme Implementation, in reply stated:

"With regard to the words "and may enter at any reasonable time.." used in Clause 8, it is submitted that data collection and verification would not be feasible unless this right is provided for. In case of enterprises, records such as

certificate of registration and books of accounts may be relevant, whereas in case of households, ration cards and records of medical treatment/immunization etc., may be relevant. It is submitted that data collectors need to enter into premises of each house/structure even to identify how many households reside over there. Hence, right of entry in any premises at any reasonable time is important for data collection from households as well as enterprises."

44. Questioned whether it would not be desirable to prescribe the minimum rank of the officer who can be authorized to enter premises of informants, as suggested by the CII, the Ministry of Statistics and Programme Implementation, in reply stated:

> "It is not possible to prescribe the minimum rank of any person who can be authorized to enter the premises of informants for inspection of records or data collection, as this would vary from case to case and private agencies may also be engaged for data collection. Such a prescription makes the provisions of the Bill restrictive. The qualifications of persons/agencies to be engaged may be left to the wisdom of the appropriate Government."

45. When pointed out that conferring power to enter promises 'at any reasonable time', as provided in Clause 8 appeared to be vague, which would also amount to giving unbridled power on the statistics officer/authorized person, the Ministry of Statistics and Programme Implementation, in reply stated:

> "The word 'reasonable time' varies from informant to informant. For companies and firms having an office environment, the reasonable time may be office hours. However, for households and household enterprises, the reasonable time cannot always be the day time or office hours. For example, in nuclear families where both husband and wife go for work, they will not be available for data collection during the day time. Hence, these matters should be left to the field to decide on case to case basis. However, a provision has been made in the Bill in Clause 32 to lay down principles for prescribing the manner in which the right of access to documents and the right of entry conferred by Clause 8' may be exercised."

46. Clause 32 (2) (d) provides for the 'Central Government to make rules relating to the principles for prescribing the manner in which the right of access to documents and the right of entry conferred by section 8 may be exercised.

47. The Committee observe that Clause 7 of the Bill which enables inspection and examination of records, plans and other documents, does not prescribe safeguards against misuse of authority. The Committee feel that safeguards in exercise of power of inspection and examination should be built into the Bill. The Committee accordingly recommend that clause 7 of the Bill should clearly stipulate that the power of inspection and examination of records, plans and other documents should be exercised only by responsible government officials of minimum rank as may be prescribed by the Government.

48. Similarly, the right of access to records or documents as envisaged under Clause 8 of the Bill provides for entry into any premises. As exercise of this power impinges on the rights and liberties of citizens, it cannot be left to be exercised by any person authorized by Statistics Officer or without any prior notice. Considering that these are matters of extreme nature and in order to prevent any arbitrary exercise or misuse of the power, the Committee recommend that Clause 8 of the Bill be suitably amended to provide that the power of entry into premises shall be exercised only by Government officials of minimum rank as may be prescribed, only with prior notice and only during hours of the day as may be prescribed.

F. Disclosure of Information - Clauses 10,11 and 12

Clauses 10, 11 and 12

49. Clauses 10 (Agencies authorized to disclose certain information); 11 (Disclosure of information schedules for bona fide research or statistical purposes) and 12 (Disclosure of historical documents) read as follows:

(i) Clause 10

> Notwithstanding the provisions contained in section 9 of this Act, the agency authorised for collection of statistics may disclose the following information, namely :—
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> (a) information supplied by informant in respect of which disclosure is consented to in writing by the informant or by any person authorised by the said informant;
> (b) information otherwise available to the public under any Act or as a public document.
> (c) information in the form of an index or list of the names and addresses of informants

together with the classification, if any, allotted to them and the number of persons engaged.

(ii) Clause 11

(1) Notwithstanding the provisions contained in section 9 of this Act, the agency authorised for collection of statistics may disclose individual returns or formats or information schedules to other agency or person or institutions or universities solely for bona fide research or statistical purposes pursuant to their functions and duties.

(2) No individual return or information schedule shall be disclosed pursuant to this section unless —

(a) the name and address of the informant by whom the schedule or related information was supplied is deleted;
(b) every agency or person or institutions or Universities involved in the research or statistical project makes a declaration to use the schedules disclosed to them only for bona fide research or statistical purposes; and
(c) the agency authorised for collection of statistics, making such disclosure is satisfied that the security of the schedules and any information contained therein shall not be impaired.

(3) The published results of any research or statistical project shall not divulge any more information than what the agency authorised for collection of statistics could publish under this Act.

(4) Every agency or person or institutions or universities to whom any individual return or information schedule is disclosed under this section shall comply with directions given by the agency authorised for collection of statistics making the disclosure relating to the schedules and any information contained therein.

(iii) Clause 12

> Notwithstanding anything contained in section 9 of this Act, the agency authorized for collection of statistics may release such documents relating to information schedules, which in the opinion of such agency have attained historical importance.

50. With reference to Clause 11 relating to 'disclosure of information schedules for 'bona fide' research etc., the CII, in their memorandum contended that such disclosure 'must not be made except with prior written consent of the informant, with consequential controls'. Further, it has also been emphasized by CII that disclosure by such institutions should not be allowed to any third party.

51. In response to a query posed in this regard, the Ministry of Statistics and Programme Implementation, in a written response stated:

> "Clause 10 (a) provides that the agency authorised for collection of statistics may disclose information supplied by informant in respect of which disclosure is consented to in writing by the informant or by any person authorised by the said informant. Clause 11 is an exception to Clause 9 and is intended to promote bona fide research on the data collected. It is not practical to take the consent of informants, normally large in number, prior to disclosure of information for bona fide research. Adequate safeguards are also provided on users of data for bona fide research in Clause 11 of the Bill.
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> The situation normally seen in the statistical system is that data collection is a specific action and dissemination/ disclosure of information is a subsequent activity. This being the case, the agency authorised to collect statistics may be different from the one disseminating information. This is particularly true in cases where data collection work is outsourced. In most of the cases, dissemination function is discharged by the concerned Government Department. Hence, it would be desirable if the relevant functions under clauses 9 to 14 are entrusted to the appropriate Government."

52. Further, with reference to Clause 12, the Ministry of Health & Family Welfare, expressed the view that it will be necessary to vest the responsibility of releasing information, which may have attained historical importance, with the

appropriate Government, who may also decide on whether the information is to be released with or without disclosing the identity of the informant.

53. In this regard, the Ministry of Statistics and Programme Implementation, in a written reply stated:

> "With reference to Clause 12, the suggestion, to vest the responsibility of releasing documents relating to information schedules which have attained historical importance with the appropriate government, is acceptable"

54. Asked further to point out the provisions of the Bill that may be available or may be necessary for ensuring that the function of dissemination of information, provided for under Clauses 11 and 12 will be discharged by the Governments concerned and not by any non-governmental agency, the Ministry, in response, stated inter alia:

> "In many cases, the appropriate Government may directly undertake dissemination after completion of data collection. The provisions in Clauses 9 and 13 of the Bill shall apply to the data collectors as also to the data disseminators. However, in respect of clauses 10 to 12, which are exceptions to the provisions in clause 9, it involves higher responsibility and in this context, it was suggested that this function should be available only with the appropriate Government, as in many cases data collection agency may cease to exist."

55. Clauses 10,11 and 12 of the Bill provide for disclosure of certain information/document by the agency authorized for collection of statistics. It has been suggested to the Committee that the responsibility of releasing information should vest with the appropriate government and not with the agency authorized for collection of statistics. The Ministry of Statistics and Programme Implementation have agreed that as releasing of information involves higher responsibility, it would be desirable if the relevant functions under Clause 9 to 14 are entrusted to appropriate government. The Committee hope that suitable amendments will be made in the Bill accordingly.

G. Provision for imprisonment - Clauses 16 and 20

56. Clause 16 pertains to penalty for making false statement; and Clause 20 pertains to 'penalty for failure to carry out duties and functions by employees'.

57. Clause 16 reads as under :-

> "Whoever, makes any false or misleading statement or material omission in any information schedule or return filled in or supplied, or in answer to any question asked to him under this Act or the rules made thereunder, shall be punishable with a fine which may extend to one thousand rupees or, in the case of a company, with a fine which may extend to five thousand rupees".

58. Further, Clause 20 provides as follows:-

> If any person employed in the execution of any duty or functions under this Act,
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> (a) omits without lawful excuse to carry out his duty, or knowingly makes any false declaration, statement or return; or
> (b) pretends performance of his duties or obtains or seeks to obtain information which he is not authorised to obtain; or
> (c) fails to keep inviolate the secrecy of the information gathered or entered in the information schedules collected pursuant to this Act and, except as permitted under this Act, divulges the contents of any schedule filled in or any information furnished by any informant under this Act, shall be punishable with a fine which may extend to two thousand rupees or, in the case of a company, with a fine which may extend to ten thousand rupees.

59. Proposing that there should be a provision for simple imprisonment for furnishing false information, the Ministry of Steel, stated, *inter-alia* :

> "……the provisions made in the Bill are in order excepting for that relating to Clause 16 on Penalty for making false statement. The proposed penalties i.e. Rs. 1000/- for individual and Rs. 5000/- for company seem grossly inadequate as a deterrent. Presently, a major share of the domestic steel production is accounted for by the secondary steel producers including the Induction Furnace units. There is a serious apprehension of underreporting or only providing incorrect data from many of such units for reasons including tax evasion. As a reliable data base on this segment of the industry is crucial for any effective policy making for the steel sector, the disincentive/penalty provision for furnishing false information

should be stringent enough. Therefore, in addition to the prescribed penalties clause 16 may also make a provision for "simple imprisonment i.e. for a period upto 1 to 3 months" to ensure that the information furnished under the Act is not only timely but is also correct".

60. By way of elaborating on the inadequacy of the penal provisions proposed under Clause 16 on account of furnishing false information, the Secretary, Ministry of Steel, while tendering evidence stated:

> "The penalty imposed is Rs. 1000 or Rs. 5000 per day in the case of a company. Supposing the delay is by 30 days, he has to pay a fine of Rs. 1000 multiplied by 30 days. About the incorrectness of data we find the punishment prescribed in the provisions of the Bill is only Rs. 1000 or Rs. 5000. In steel sector even the smallest of producer which has those kinds of incentives in not parting with the data will easily wait for paying Rs. 5000 rather than giving data.
>
> We looked at the Indian Penal Code and found that anybody who furnishes false information to a public authority recognized under the Indian Penal Code is punishable with imprisonment. Not that everybody will be imprisoned or prosecuted but whenever we find that the data is incorrect we will try to collect evidence so that he parts with the data. Provisions are not made every day. After a long time, we have embarked on this exercise. We have taken a cue from the Indian Penal Code. That is our submission in brief".

61. In response to a related question, the Ministry of Statistics and Programme Implementation, stated as below:

> "The penalties provided in Clauses 15 and 16 of the Bill are considered adequate to act as deterrent measures to check cases of refusal, providing false information, etc."

62. Responding to a query on the adequacy of the penal provisions proposed for not furnishing data, the Secretary, Ministry of Statistics and Programme Implementation, while tending evidence stated:

> "…..As far as not furnishing data is concerned, I think that the penalty that we are proposing is good enough because it is cumulative, that is, he will be charged Rs. 1,000 every day for each day that the data is not provided. It actually adds up to a fairly tidy amount quite quickly".

63. The CII, in their Memorandum emphasized on reviewing and making more stringent, the penalties prescribed under Clause 20 for failure to 'carry out duties and functions by employees'. In response to this point, the Secretary, Ministry of Statistics and Programme Implementation stated during evidence:

> "…I personally feel that penalties on the employees should be much more stringent than penalties on the people who give us data. I think, the experience that we have had in recent years with the BPO, where employees in BPO companies have been leaking confidential information to competitors and so on, I suggest that the kind of money that is involved in selling data is so high that unless you have something fairly stringent, it may encourage people to do so".

64. Asked specifically whether the penal provisions under Clause 20 should include imprisonment also, the Secretary, stated as follows:

> "My personal feeling is 'Yes'. But as I said, this was a collective document. By and large, the majority opinion was that it was better to get rid of imprisonment thing."

65. It was also added as under by the Secretary:

> "I will tell you what the problem was. The problem was that when we were thinking about the Bill and when we were drafting the bill, everybody at the back of their mind had a view that people who would be responsible for the collection of data and maintenance of data would be Government servants and within the Government rules, there are fairly stringent disciplinary procedures".

66. In this regard, the Ministry, in a written reply stated:

> "With regard to the view that the penalties prescribed for data collectors are minimal, the existing Act provided for imprisonment also under Section 10, but so far there was no case of improper disclosure under the existing Act. However, this aspect could be considered again and appropriate provision for imprisonment made in the Bill."

67. The Committee observe that Clauses 16 and 20 of the Bill provide for mere monetary penalty in the event of making false statement or failure to keep inviolate the secrecy of the information by employees in execution of any duty under this Act. The Committee are of the view that there should be provision for simple imprisonment in

the event of any one willfully furnishing false information as provided for in the Indian Penal Code and as rightly pointed out by the Secretary, Ministry of Steel. Attributing the absence of imprisonment provision to the drafting changes in the Bill, the Secretary, Ministry of Statistics and Programme Implementation has admitted the need to have this provision in the Bill in the event of anyone furnishing false information. The Committee desire that provision for imprisonment in such cases be suitably incorporated in the Bill.

NEW DELHI;
March, 2008
Phalguna, 1929 (Saka)

(ANANTH KUMAR)
Chairman,
Standing Committee on Finance

The motion was adopted.

MR. DEPUTY CHAIRMAN: We shall now take up clause-by-clause consideration of the Bill.

Clauses 2 and 3 were added to the Bill.
Clause 1, the Enacting Formula and the Title were added to the Bill.

DR. ANBUMANI RAMADOSS: Sir, I beg to move:

That the Bill be passed.

The question was put and the motion was adopted.

(Ends)

MR. DEPUTY CHAIRMAN: Now we shall take up the Collection of Statistics Bill, 2007.

THE COLLECTION OF STATISTICS BILL, 2007

THE MINISTER OF STATE (INDEPENDENT CHARGE) OF THE MINISTRY OF STATISTICS & PROGRAMME IMPLEMENTATION (SHRI G.K. VASAN): Sir, I beg to move:

"That the Bill to facilitate the collection of statistics on economic, demographic, social, scientific and environmental aspects, and for matters connected therewith or incidental thereto be taken into consideration."

Sir, I introduced the Collection of Statistics Bill, 2007 in the august House on 17th May, 2007. The Bill is intended to replace the existing statute, namely, the Collection of Statistics Act, 1953. The Bill was referred to the Department-related Parliamentary Standing Committee on Finance for examination and report. The Committee has examined all

aspects of the Bill and recommended consideration of the Bill, subject to the observations made and modifications suggested in the Report.

(Contd. by 3g/KSK)

KSK/4.50/3G

SHRI G.K. VASAN (CONTD): Recommendations of the Standing Committee on Finance have been examined by the Government, and accordingly, 32 amendments to the Bill are proposed. The proposed amendments include those required to give effect to the recommendations of the Standing Committee on Finance, as also other amendments required to make the provisions of the Bill more effective. Now, I commend the Collection of Statistics Bill, 2007, for consideration by this august House.

The question was proposed.

(Ends)

SHRI S.S. AHLUWALIA (JHARKHAND): Mr. Deputy Chairman, Sir, I am here to support the Collection of Statistics Bill, 2007. Sir, the Government has brought this Bill very late. We achieved freedom in 1947, the year in which the United Nations Statistical Commission was constituted. India is one of the signatories of all the Conventions of the United Nations. In the year 1953, a Bill was passed with a lot of limitations. Sir, the other day, our Prime Minister, Dr. Manmohan Singh, was speaking and he was saying that till we get the correct data, authentic data of any thing, how we could allocate funds. For allocating funds, for many things, the affairs of that particular subject, you must have correct and authentic data. But, in our country, since 1953, we

were collecting statistical figures only through our Annual Survey of Industry. That is all. But, today, if you want to know something about your country, what are the statistics of a particular subject, you will not get it on any website, although we claim that we are switching over to e-governance; on finger tips, these data will be available. Now, when we thought as per the WTO regime, we had to match the standards of WTO. And, when we saw that our collection of statistics was not at par with the requirement of WTO, we thought about this, that we should amend this Bill, and that is the reason, during NDA's regime, a National Statistical Commission, under the Chairmanship of Dr. C. Rangarajan, was formed. In 2001, Dr. C. Rangarajan submitted his report that we should go ahead on this line. On the basis of that recommendation, a draft Bill on national statistical collection was prepared in 2002. Then, it was circulated to different Departments, Secretaries and others. But, ultimately, it reached a stage that it was introduced in 2007 in the House. Then, it went to the Standing Committee, and lot of organisations appeared before the Committee, like the Directorate of Economics and Statistics, Government of Maharashtra; Economic Reforms and North-East Council Affairs Department, Government of Sikkim; Planning and Co-ordination Department, Government of Orissa; Confederation of Indian Industries (CII); Educational Consultants India Limited (EDCIL); and, Dr. K. Srinivasan, Emeritus Professor of International Institute of Population Science, Mumbai for furnishing memorandum and provisions of the Bill.

(continued by 3h - gsp)

GSP-KLG/4.55/3h

SHRI S.S. AHLUWALIA (CONTD.): So, on the basis of their memoranda and depositions before the Committee, this Bill was approved with little amendments only for punishment and other things. Sir, this Bill is intended to overcome the limitation of the existing Collection of Statistics Act, 1953, *inter alia,* by expanding the scope to collect statistics not only from industrial or commercial concerns but also from individuals and households, then, empowering the Central Government to frame rules for avoiding duplication of data collection and for maintaining standards in data collection. There are about nine States which are having their separate rules on this. And, as the National Statistical Commission suggested, to cover any topic under "core statistics", as defined by the proposed NSC.

I was looking into the Bill. In the Bill, it is not defined which are these "core statistics". Chapter V - Power In Respect Of Core Statistics, Section 26 speaks about the core statistics. It says, "Without prejudice to the provisions contained in this Act, the Central Government may, by notification in the Official Gazette, declare, from time to time, any subject for the collection of statistics of national importance as "core statistics" and make such arrangement, as it may consider necessary, for regulating the collection and dissemination of statistics on the subject so declared."

Sir, when we talk about statistics of national importance, one is, to support or to make it at par with WTO requirements. That is a commercial obligation. But on the other side, for our planning and budgeting, we should have the data. For example, we are signatories to

plenty of commitments with regard to the UN Conventions like 'House for All' by this year, 'Food for All', 'Jobs for All', 'Education for All', 'Health for All', 'Shelter for All'. Every time, we become signatories to these. But we are not aware as to how many people are shelter-less, how many people are sleeping without food, how many are not getting water. We do not know it. All these statistics should also be available. Sir, the other day, I was looking into a book, which was published by the CSIR in the year 1978. It is a full volume. It is quite possible that Dr. Rangarajan might have seen that book. The name of the book is Wealth of India, *Bharatiya Sampada*.

Now, it is not available, and, only those who purchased it at that time, might be having it. It is not available on the website also. In that book, you will get everything as to what type of birds are found in this country, what types of trees are available in the country, what types of mineral resources are there in the country, where limestone of what quality, where lignite of what quality, where natural graphite of what quality, where dolomite of what quality is available; everything is written there, and, what is the quantity of that is also mentioned. But, in 1978, these were not digitalized.

(Contd. by sk-3j)

SK/3J/5.00

SHRI S.S. AHLUWALIA (CONTD.): There was no satellite system. There was nothing. But, now, it is easy. Through satellite, they can analyse the entire thing and prepare the report. This is also a different type of statistics available for national importance. So, we could have done that. Today, we do not know about human resource or power generation. People, in their speech, simply say we need 1 lakh megawatt power per year in next three years. If you just ask the same person how many units are required to consume that 1 lakh megawatt power or how many industries you require for that or how many motors you require or how many generators and converters you require for that, you will not get the answer. A technical answer will come. Similarly, if I ask -- incidentally our Health Minister is also sitting here -- what is the ratio of beds and patients; what is the ratio of population vis-a-vis doctors; what is the ratio of nurses vis-a-vis population; what is the ratio of midwives and population, rural, urban and metropolitan, I am afraid, I will not get the right answer. We collect data. But we do not know whether that data is correct or not. So, the point is, when we are bringing this Bill, we should think about collecting data for everybody. I was looking into the United Nations Statistical Commission report. They collect data for everything, right from energy to animal husbandry. They know how many lambs are available in a country. They know how many turkeys will be available in that particular country to be served on the dining table on the midnight of 25th December. They know how many turkeys they have to import. It is possible now. It is easy. The only thing is you have to collect data. It looks very simple, but it is a very

difficult job, and, I think, Mr. Vasan, who was thinking that this Department is only collecting data and sit with calculator and calculate only, it is not like that. You are the backbone of a nation. If you want to build a nation, you must have your backbone and these statistics are your backbone. If you don't have the statistics, your backbone is not there. You cannot stand. You cannot think. Your vision will be lowered.

Sir, there is a penal provision in Chapter 4. How will you deal with those who will not provide data? I have a small question. Every individual has a right to hold back some sensitive information or personal information. How can he be forced to give or share that information to Statistical Department because, I am telling you the truth, if somebody comes to your bungalow and says, I have come from Survey Department and I want to know how many cars do you have, some time you may proudly say that these many care. The second question he asks, how many members do you have in your family, you may say, I have got three daughters and three sons. Then he asks, what are they doing and what is their earning. The moment he asks what is your earning, what is your pay and what about your pan card, you start retracting. Then you become reluctant to disclose and say that car is not mine, that is gifted and that car that you are seeing is a hire purchased car and that car is a hired one. The truth will not come because every information is inter-connected somewhere with the Revenue Department.

(Contd. by ysr-3K)

-SK/YSR/5.05/3K

SHRI S.S. AHLUWALIA (CONTD.): Whether this will be used against me to collect revenue, and if it is, then I will not divulge it. So, how will you collect that information? Basically, that is the reason behind incorrect data. Plenty of times we have discussed it in the House that we should have a multi-purpose identity card on which various kinds of information are given.

I have got a card with me. Parliament has issued it to me. This is my RF card. It does not contain my name over it. Only a camera, installed at Parliament House, can read it. Only they can see my photograph. But at rest of the places, if somebody asks me, 'Who are you?' I will say, I am S.S. Ahluwalia. If he asks me, 'What is your designation and what is your profession?' If I say I am a Member of Parliament, then he will ask me, 'Where is you identity card?' I will say, I don't have any identity card. I have this card only. (Interruptions)

MR. DEPUTY CHAIRMAN: Red card.

SHRI S.S. AHLUWALIA: Have you read what is written over it? That is not your identity card. That is your railway pass. That is not your identity card. For the purpose of identity, there is a classification. They will say, 'Yes, this is you card, you can travel in the first-class A.C.' But you cannot enter into this zone. So, if a multi-purpose biometric card is provided, in that you can have your PAN of income tax, your address, your telephone number, etc. Everything will be there. Even in case of emergency, whom should they contact, that will also be given.

When the data is collected, it should be accurate. But then comes PAPA (Privacy, Accuracy, Property & Accountability) concept.

How can you adopt PAPA concept? We should bring PAPA concept to the Collection of Statistics Bill, 2007. Because when you assure them that there will be privacy, then only you will get the correct data. If my knowledge or my property is safe in providing you the data or the information, then only correct data will be there. Then comes accountability, on both the provider, the person who is providing the information, and the collector, the bank which is collecting the information. Then only think that, yes, this is the correct data. You can use it for nation-building and international business-building. When you go to the IMF or the World Bank, you can show them the correct data.

Since my university days, I have been listening only one thing that 40 per cent people are Below the Poverty Line. But sometimes the Planning Commission gives one figure and your Department gives another figure.

I have been listening since then, that the literacy percentage is this. I hail from Bihar and Jharkhand. Literacy percentage is not high there. You hail from Tamil Nadu, a neighbour of Kerala, where literacy percentage is very high. You go to any office whether in Kerala, or in Puducherry, or in Kashmir, or in Kohima, you will find an IAS officer or an IPS officer there. You ask him his name and by knowing his name, you will understand that he is from Bihar. He is educated and he hails from Bihar, but the literacy percentage is still down. Then there is something wrong. So, we must collect the correct data. This is the purpose for which this Bill has been brought here. I really appreciate it. It is a good move.

Dr. C. Rangarajan was the Chairman of the Commission. He had done a lot of work on that and produced a very good report.

(Contd. By VKK/3L)

-YSR/VKK/3L/5.10

SHRI S.S. AHLUWALIA (CONTD.): On the basis of that report and on the basis of that recommendation, this Bill was formulated. And, now, when he has become a Member of this Committee, we will get more from him. With these words, I support this Bill.

(Ends)

DR. E.M. SUDARSANA NATCHIAPPAN (TAMIL NADU): Thank you, Mr. Deputy Chairman, Sir. I support the Collection of Statistics Bill, 2007. It is really a very important and historical Bill. Sir, this particular Department of Statistics was not at all known to the public. But, when Mr. Oscar Fernandes became the Minister, he made it very constructive by building up the Ministry and his successor, hon. Minister, Shri G.K. Vasan, has made it much more dynamic. We really appreciate that this historical Bill is now introduced and moved by a very young politician who has come forward with all the aspects which were recommended by Shri C. Rangarajan who from the National Statistics Commission made a very detailed recommendation. I fully agree with Mr. Ahluwalia that there is a need for doing everything to make statistics available in this globalised economy, but I don't agree with his claim that it was done only during the NDA period and is only an international obligation which we have to fulfil after we signed as a party to the WTO. If we do not complete that process...(Interruptions)...

SHRI S.S. AHLUWALIA: I am not saying it was done by NDA. But, report was submitted during that time.

DR. E.M. SUDARSANA NATCHIAPPAN: Okay. Therefore, we have got the obligation at the international level. (Interruptions) When we became a part of the international globalised economy, we should have everything under the numbers. We, in the country, have everything secret. A physician in the country, even though he has got lot of knowledge, never reveals it to his son. He dies without telling anything to others and he never mentions the name of the medicines. That is the way of life in this country. Therefore, CII has come forward that there should be secrecy in data. No doubt that there should be secrecy in the industry because it is a very competitive area. But, at the same time, to develop ourselves, we need the data. We find that lot of international initiations are coming up by way of international industrial development agencies and others by pumping money into India to first make a survey. For example, to find out how many SMEs are there; how many small-scale industries people are involved in making a particular type of shoes or a particular type of clock or some parts of the automobile, etc. They want to find out how many industries are here and how many skilled people are here so that they can invest money in India. The basic knowledge of the capacity of India by way of looking at the numbers is not available in India. Therefore, we feel that these statistics are to be made compulsory by every industry. Even individuals have to come forward to put their own information in a proper perspective so that they can come out with proper planning. One way we can blame ourselves is that even after six decades, our planning does not suit the ground level.

We don't know how much black money is running in this country. We don't know that even now in a globalised economy. We don't know as to how much money is actually involved in different institutions, how much production is there in a particular industry, how much a product is marketed by a particular trade, etc. We don't know because they want to keep it secret so that there is no competitor poaching them.

(Contd. by TMV/3M)

-VKK-TMV-VNK/3M/5.15

DR. E. M. SUDARSANA NATCHIAPPAN (CONTD.): We have to change this habit. Now, we are seeing the melt-down of American financial institutions and we find that they are basing everything on statistics. They are putting everything in numbers. They can't escape it. There is a housing scheme. That housing scheme is now taken over by the housing market. They have to find out the real price of that housing scheme. If the housing market is going down, if the real estate is going down, then it has to come out with the real figure, not like us. Here we have some figure which is not at all shown in the document when we go in for a sale deal. We put some figure which is suitable to us just to avoid stamp duty or some other taxation which arises out of it. We are running a double account. That is why all our planning is ending up with some mismatch. Therefore, it is high time to come out with a proposal. Mass participation should be there for generating statistics. That is reflected in this Bill. That is how the soul of the Bill is created by Dr. Rangarajan which is followed by the hon. Minister, Mr. G. K. Vasan, by stating how this institution is going to be structured and how this institution is going to work. If you go through the definition clauses,

you will find that it has clearly stated about outsourcing also. It is true that you can't do everything by way of Government expenditure. We can't do everything by the human resources of the Government machinery alone. We have to depend on other well-educated people who have been qualified to be statisticians. They have got the capacity to formulate statistics so quickly in a scientific manner.

(THE VICE CHAIRMAN PROF. P.J. KURIEN ,IN THE CHAIR)

Similarly, we find in other clauses that it has recognised the three layers of the Government in India. It is clearly stated that the State Government can also do it. They can also generate statistics. The Union Territories and local self-governments, that is, the panchayats or the municipalities, as the case may be--I hope it includes the zilla parishads also--can also generate statistics. These are all organisations which deal with planning and execution. Therefore, they should have the data. They should have the data about the kilometres of roads available, the number of habitation, the number of people migrated from one place to the other, etc. There is no such data at all. Without data, we are going on pumping money into various places. This is the fate of the country. That is why we could not see, even after incurring so much of expenditure in every Budget, any real result on physical verification.

Then, as regards the statistics which are going to be published or unpublished, it states how the format is going to be created, how the officers are going to be appointed, how the statistical survey and the statistical reforms are going to be done, etc. These things are very clearly stated. About geographical area, demographic verification and

other things, it is clearly stated that if the local administration or the State Government has taken up that issue, the Central Government need not issue any notification. If the Central Government has issued a notification, they need not go in for that. This kind of clarifications are very much appreciable. More so, it has recognised the electronic method of collecting information.

As regards using the statistics, there is a secrecy clause also. But, at the same time, it is open for certain legal purposes. Similarly, we find that during the course of collecting the information, if a wrong data is given, that is punishable. If a person leaks out the information before it is authenticated, under the confidential clause, he will be punishable. These are things which lend genuineness to the data being collected. I feel that there should be some classification when we make rules. There should be a propagation programme for educating the public to come forward to give the data as this Bill expects.

(Contd. by 3N/VK)

VK/3N/5.20

DR. E.M. SUDARSANA NATCHIAPPAN (CONTD): So some fund should be allotted for that purpose. The Government should see to it that statistics is part of our own planning. The welfare State has to look after statistics properly. That will help it. It is not only important for the market driven economy, it is also important for the welfare State. I find that this Bill is very much clear in all respects. It gives clear path and clear vision of the 21st Century. I appreciate the hon. Minister and the people who are connected with it for making efforts to come forward with a very good law.

I would like to seek one or two clarifications from the hon. Minister. I find that if there is a need the statistics can be used under the IPC. But it has been excluded from this Bill. Similarly, I find that the rule-making power has been totally taken away. There is no rule-making power given to the State Governments and the local authorities. How will they meet the situation? Finally, the fine which is going to be imposed is just like a meter charge. There will be fine for each day. If there is a default, the fine will multiply. That is also a very good provision. Though the Standing Committee on Finance has made a recommendation for imprisonment, but it has not been considered. I think the provisions are quiet sufficient to make the law acceptable to the people, to make statistics the best one, which are acceptable in India and also internationally in this globalized economy. Thank you.

(Ends)

SHRI P.R. RAJAN (KERALA): Mr. Vice-Chairman, Sir, I thank you for giving me this opportunity to speak on this Bill. I congratulate the hon. Minister for bringing forward this Bill. We must have all sorts of statistics because India is in the category of developed countries in the 21st Century. So we want all sorts of statistics. We also welcome the Government's decision to bring forward the Collection Statistics Bill. We support the Bill. We hope the new legislation would enhance the scope of collection of statistics. The Minister has already stated that the new Bill would also repeal the Collection of Statistics Act, 1953. Thanks to the efforts of people like Dr. P.C. Mahalanobis, the National Statistics Survey Organisation in the country is world famous for its accuracy and scientific approach. After 55 years, it is a welcome move that the

Government intends to have a relook at the system. But there are still some points which demand hon. Minister's attention. The previous Government had brought out APL/BPL division in the Public Distribution System.

(Contd. by 3O)

RG/5.25/3O

SHRI P.R. RAJAN (contd.): Still there is no proper mechanism to verify who all could be considered for the BPL category. Yesterday, a question was put on this very subject, and we discussed about the non-availability of statistics, etc., to determine the BPL and APL division. Enrolment with the local bodies can help in ascertaining the theoretical status and the financial status of families. Gram Sabha could also work as an agent to ensure that the schemes of the Central Government reach all the poor households. For example, while deciding which one is a BPL family, the calorie food intake, -- it was mentioned yesterday that the normal requirement is 1400 calories per person -- and the annual income alone are considered. Apart from these two, other yardsticks like health, education, shelter and clothing are yet to be considered while deciding this. For this, the statistics parameters have to be looked into. There is a provision that ingredients, like, filing of returns in the electronic form, will also be considered as a data. It is a welcome step in the Bill. There should be a provision for timely review of the statistics collected, on various occasions, by the State Governments as well as the local bodies. That is the most essential thing, which we have not been doing so far. The Central Government should work as a coordinating agency. That should be mentioned in the

Bill, and the concerned data should be distributed among the Ministers. Now, new schemes and policies should be worked out on the basis of the up-to-date data. There is a general view about collecting data from informal agencies, that is, NGOs and such other organisations. The trade unions and political parties are also collecting the data. Various civil society groups are also working in this area. They are also collecting various kinds of data. So, the Government can approach them, try to access to these data and examine whether the data is scientifically prepared. If that is so, then, this can also be used. The media also are trying to collect data. If it is a real analysis, then, the Government can use that for statistical purpose. Cultural, geographical and demographic divisions in the Indian society, at large, should also be considered while collecting the data. Most of the Government's decisions and policies are backed up by the field data. But the problem is in the methodology, and not in the approach. I will give you one example. In the assessment of the Price Index System, or, to say, inflation, -- there is a huge criticism about this -- we consider the WPI data alone. This is considered as an unscientific data. Proper data is a must for any Government to continue with the development activities. At the same time, it can also be verified whether the policies of the Government reach the lower strata of the society. This can be done only through proper garnering of the data from all sections of the society. That can become the basis of the Government's policies. The development activities must also be based on this data collected properly. I am sure that the proper collection of the data would force any Government to change its policies, and be more pro-poor. Sir, with

these words, I conclude, and thank the hon. Minister for bringing forward this Bill.

(Ends)

(Followed by 3P

MCM-TDB/3P/5-30

श्री बनवारी लाल कंछल (उत्तर प्रदेश) : माननीय उपसभाध्यक्ष महोदय, आपने मुझे इस विधेयक पर बोलने का अवसर दिया, इसके लिए मैं आपका आभार व्यक्त करता हूं। सांख्यिकी संग्रहण नियम 1953 में बना। इसके बाद हमारे देश में और पूरे विश्व में कितना विकारा हुआ है, कितने परिवर्तन हुए हैं इरालिए जो नया सांख्यिकी संग्रहण अधिनियम लाया गया है, बहुत आवश्यक था। स्टेटिस्टिक्स और आंकडे आज की दुनिया के लिए हर क्षेत्र के लिए बहुत ही आवश्यक हैं। अभी हमारे एक साथी कह रहे थे कि आंकड़ों की गोपनीयता भी होनी चाहिए। इस संबंध में मेरा विचार थोड़ा सा भिन्न है। आंकड़ों की गोपनीयता भी कभी-कभी लाभकारी होती है और कभी-कभी आंकड़ों का प्रचार भी लाभकारी होता है। मैं एक छोटा सा उदाहरण देना चाहता हूं। अभी मैंने लोक सभा की लाइब्रेरी से आंकडे मांगे थे कि लखनऊ में और पूरे उत्तर प्रदेश में इंकम टैक्स पेयर्स कितने हैं। इसमें दस लाख से ऊपर कितने हैं और पचास लाख से ऊपर कितने हैं। मुझे यह मालूम हुआ कि लखनऊ में जहां कि आबादी 35 लाख है, वहां वर्ष में दस लाख आय करने वाले करदाता केवल 237 हैं। जब मुझे यह पता चला कि 237 हैं, तो मैंने सोचा कि मेरा नाम 238 में क्यों नहीं आ सकता है। तो मैंने भी अपने बच्चों से कहा कि अब दस लाख की इंकम करना जरूरी है, इंकम नहीं है तो व्यापार बढ़ाकर किसी तरीके से करो। इस तरह मैंने दस लोगों को, अपने मित्रों को तैयार किया कि वे इस 237 की सूची में अपना नाम जरूर दर्ज कराएंगे। उत्तर प्रदेश में जब हमारी सरकार थी और तब महाराष्ट्र और तमिलनाडु की तुलना में हमारे यहां सेल्स टैक्स के रजिस्टर्ड व्यापारी बहुत कम थे। हमने सारे स्टेट्स का स्टेटिस्टिक्स मंगाया और अपने अधिकारियों को टाइट किया तो उपसभाध्यक्ष महोदय, मैं आपको बतलाना चाहता हूं कि हमारे उत्तर प्रदेश में दो लाख करदाता बढ गए, केवल स्टेटिस्टिक्स के जादू के कारण। इसलिए स्टेटिस्टिक्स का गोपनीय होना भी बहुत जरूरी है और जो टैक्सेशन से

संबंधित आंकडे हैं, उनका प्रचार-प्रसार होना भी बहुत जरूरी है, ताकि उसको आधार बनाकर लोगों में कर देने की प्रतिस्पर्द्धा हो। मैं मंत्री जी को बहुत धन्यवाद देना चाहता हूं और अपनी सरकार को भी बहुत धन्यवाद देना चाहता हूं जिन्होंने इसको इतना उपयोगी लिया है। परन्तु इसमें अहलुवालिया जी ने बहुत ठीक बात रखी कि इसमें समग्र क्षेत्र को लिया जाना चाहिए और खास करके उद्देश्यों के पैरा-3 में जो आपने लिखा है कि -घरेलू उद्योग, उद्यम, कम्पनियों, सार्वजनिक और निजी संस्थाओं आदि से विशुद्धत: स्वेच्छिक आधार पर सूचना एकत्रित की जानी है। इसमें व्यापारियों, पटरी दुकानदारों, फेरी दुकानदारों, किसानों, मजदूरों, करदाताओं, छात्रों आदि सभी को इसमें लीजिए। आज कम से कम एक करोड़ से ज्यादा तो पटरी दुकानदार हैं, जिनके जीवन के बारे में सूचना हमारी सरकार को बहुत जरूरी है। आज चालीस करोड लोग व्यापार में लगे हुए हैं और सरकार को टैक्स देकर के सरकार को चलाने का काम कर रहे हैं। उनके बारे में स्टेटिस्टिक्स होना और हर बात का स्टेटिस्टिक्स होना बहुत जरूरी है। अभी मैंने लाइब्रेरी से यह सूचना मांगी कि कितनी जिला पंचायतें हैं, कितनी ग्राम सभाएं हैं, उनकी कितनी आबादी है, उसमें कितने करदाता, व्यापारी हैं। लेकिन हमारी लाइब्रेरी में इनके बारे में कोई स्टेटिस्टिक्स नहीं है। वहां बताया गया कि आप इंटरनेट से ले लीजिए। जब आपकी लाइब्रेरी में नहीं है तो इंटरनेट पर कैसे होगा। इसलिए मैं मंत्री जी से अनुरोध करना चाहता हूं कि इतने सारे व्यापारी हैं, फेरी दुकानदार हैं, पटरी दुकानदार हैं, किसान हैं, मजदूर हैं, छात्र हैं तो सभी को इसमें जोड दीजिए और स्टेटिस्टिक्स इकट्ठा करने के लिए केवल सरकार को ही प्रयास नहीं करना चाहिए, इसमें जितने सामाजिक संगठन हैं, महिला संगठन हैं, व्यापार मंडल हैं, औद्योगिक संगठन हैं, किसान मजदूर संगठन हैं, छात्र संगठन हैं उनकी भी मदद लीजिए। एक छात्र नेता आपको बिल्कुल अच्छी तरह से बता देगा कि हमारे विश्व विद्यालय में कितने छात्र पढते हैं, क्योकि वोट लेने के लिए वह एक-एक- छात्र के पास गया हुआ है। आपके अधिकारी दो-चार लोगों को छोड़ देंगे लेकिन वह छात्र नेता छोडने वाला नहीं है।

(3Q/LP पर क्रमश:)

-MCM/LP-KGG/5.35/3Q

श्री बनवारी लाल कंछल (क्रमागत) : चांदनी चौक में हमारे व्यापार मंडल से पूछिए कि कितने व्यापारी हैं तो ए टू जैड व्यापारियों की लिस्ट आपको प्रोवाइड करा देंगे, हमारा वहां का व्यापार मंडल प्रोवाइड करा देगा। माननीय मंत्री महोदय, मैं आपसे अनुरोध करना चाहूंगा कि इन सारे संगठनों, जितने भी एन.जी.ओज. हैं, संगठन और प्रभावी संगठन हैं, उन्हें जोडिए और उनसे भी statistics मंगाने का काम जरूर कीजिए। आपने अपने अधिनियम में जो बात नहीं डाली है, उसमें एक बात और डालिए कि ये जो संग्रह किए गए statistics हैं, मान लीजिए कि वे मेरे उद्योग के लिए उपयोगी हैं, तो आप कुछ मूल्य लेकर देने का भी कानून इसमें बनाइए। इसमें ऐसा कानून नहीं बनाया गया है कि अगर सरकार के पास कोई statistics आंकडे हैं और वह हमारे उद्योग, व्यापार, इंस्टीट्यूट, शिक्षा संस्थान के लिए लाभप्रद हो सकते हैं तो आप इसे व्यापार भी बनाइए। सरकार केवल पैसा खर्च ही न करे, बल्कि सरकार इसे अर्निंग का भी माध्यम बनाए। तमाम देशों ने आंकडों को अपनी अर्निंग का भी माध्यम बना रखा है, आप पता कर सकते हैं, इसलिए मेरा सुझाव है कि आप इसे अर्निंग का माध्यम बनाइए। यदि कोई इसे जनहित में लेना चाहे तो उसे देने का भी प्रावधान इसमें रखिए। मेरा अंतिम सुझाव यह है कि सांख्यिकीय संग्रहण को प्रत्येक नागरिक के लिए अनिवार्य किया जाए। आप इसमें यह भी डालिए कि यदि किसी के पास हमारा अधिकारी जाता है तो वह मना न कर सके, इसके लिए उसे अनिवार्य बनाया जाए। एक सुझाव और है कि पूरे देश के हर नागरिक के लिए एक कार्ड जरूर बनाया जाए, जिसमें सारी चीजें लिखी हुई हों और वह हर जगह उसका प्रयोग कर सके। यदि ऐसा हो जाएगा, तो मैं समझता हूं कि हमारे यहां जो वोटिंग परसेंटेज कम होता है, वह पूरा हो जाएगा। जमीन जायदाद के जितने झगडे होते हैं, वे भी काफी कुछ कम हो जाएंगे। इन्हीं बातों के साथ मैं आपको पुन: बहुत-बहुत धन्यवाद देता हूं कि आप यह बहुत अच्छा विधेयक लाए हैं और इसका समर्थन करता हूं।

(समाप्त)

SHRI D. RAJA (TAMIL NADU): Sir, I thank you for the opportunity. At the outset, I congratulate the Minister on bringing this Bill, who is taking very serious steps to keep this Ministry at pace with developments at

the national level, as also at the global level. Bringing the Collection of Statistics Bill before this House is a welcome step. It is, indeed, necessary to replace the existing the Collection of Statistics Act, 1953.

Sir, I had statistics as a subject in my college. I could study the collection of data, analysis of data, theory of probabilities, facts and figures, how there must be a correspondence, all these things I could study as a student. Those days, perhaps, the data collection on a voluntary basis, from households and individuals did not pose many problems; even when students were sent for sample collection, survey and all these things. Hence, this existing Act provide for statutory data collection, only from commercial and industrial concerns. Now, the situation has changed in the wake of liberalisation, privatisation and globalisation. This has resulted in de-licensing, de-regulation. The old system of obtaining information as a by product of administering various Statutes, regulations have, in fact, lost their ground. The need for statistical information for planning and policy formulation has also expanded over these years. The provisions under the existing Collection of Statistics Act, 1953, are not, in fact, adequate to meet the new challenges arising out of the LPG regime manifested by the WTO Agreement. In fact, I was a bit hesitant to speak on this Bill because we have the presence of Dr. C. Rangarajan, who is known for his knowledge. He is one of the eminent persons of this House to speak. In fact, he headed the National Statistical Commission appointed by the Union Government.

(Contd. by kls/3r)

KLS/3R-5.40

SHRI D. RAJA (CONTD): In his presence to speak on this subject, one should have some reluctance and I have that reluctance. Having said this, I must say, Sir, that due to the time limit I endorse what my colleague from CPM has said with regard to the collection of various data. Sir, the present Bill rightly brings the data collection from households and individual also under its ambit. When this is done we have to be a bit careful. Some of the informants could be illiterate. Even though we are emerging a political and economic power in the world, still we have the largest number of illiterates also in the country. India is one of the countries, which has the largest number of illiterates today in the world. Even after accomplishment of Chandrayan and other achievements, we have this problem. In this background, I think the Government should be careful about how it is going to handle them. We cannot be harsh with this innocent illiterate public. So, Sir, I would like to request the Minister to give due consideration and give some clarifications in the House, firstly, there is no mechanism in the Bill for right to appeal given to the offenders, how the natural principles of justice are fulfilled in the Bill. I agree with Mr. Sudarsana Natchiappan, he has raised an issue about black money, whether the Government has any statistics with regard to the black money. It is a very big issue. But here I am asking a simple question, how to ensure natural justice in this Bill. Secondly, Sir, whether the consent of the informants would be taken before disclosing information collected from them to any third party because it is a highly technical subject and we will have to develop it further, we will have to keep pace with the development at the world level. We have the potential, it is not that India does not have the

potential to develop our institutions to have collection of data in a very fair manner and analyse in a very objective manner so that we understand what is the reality, what is the condition of our country in every sphere of life. I hope the Minister can explain some of these problems and I wish our Dr. Rangarajan will have his time to explain some of these issues because he headed that Commission, he has expertise on this subject. With these words, I welcome this Bill and support it. Thank you.

(Ends)

DR. C. RANAGARAJAN (NOMINATED): Thank you very much, Sir. I welcome this legislation. I congratulate Mr. Vasan, the Minister, and the Ministry for bringing forward this Bill. The Bill largely incorporates the recommendations made by the National Statistical Commission of which I happened to be the Chairman. The good data collection system is a prerequisite for a good statistical system. We cannot build a good statistical system unless we have a proper machinery for collecting the data. A good statistical system has three important characteristics, one is credibility, the other is time limit, and the third is adequacy. Credibility refers to the quality of data. People must have trust in the statistics that are put out by the governmental agencies.

(Contd by 3S/SSS)

SSS/3S/4.45

DR. C. RANGARAJAN (CONTD.): How does one build the trust? Trust can come out of two things. One, the methodology adopted to collect the data is an accord with statistical theory, and, second, the mechanism for collecting data is appropriate and proper. Only when these two things are met, we can collect good quality data, and the good quality data will command credibility and credibility is an extremely important element of statistics. The second is timeliness. Obviously, data must be available without a long time lag. Some

time lag is inevitable. After all, we are collecting data from various sources. Therefore, some time lag is inevitable. But, on the other hand, a long time lag makes the data totally useless from the point of view of policy-making. In fact, we have speeded up the generation of data in our country, but, nevertheless, there are some data which come with very large time lag. A reference was made to the Annual Survey of Industries. In fact, it comes with quite a big time lag. Even though the Survey Report contains a very useful information, it comes at a point in time when it is not as useful for policy-making. For historical study and research, and all that, it is useful, but for policy-making it is not. Therefore, timeliness is the next important thing. The third thing is adequacy. That is the data that are generated and provided by the statistical system. It must meet the diverse needs and these needs, the statistical needs of the society keep changing. The economy is fast changing. For example, today, more than 50 per cent of the national income is contributed by the service sector. Therefore, we need more data now on the service sector, and the collection of data on the service sector is very different from the collection of data on goods and other things. Therefore, the adequacy is because of the need for generating the data which is needed by the public. Now, for example, we are also increasingly getting integrated with the rest of the world. Therefore, we need more data on exports of goods and services which are available, but, we also need data on the capital account of the balance of payments like the capital flows. Do we now have a precise idea of what kinds of capital flows we are getting and so on? Therefore, adequacy refers to the wide variety of data that are required in the system in order to meet the growing needs of the policy makers. Now, in India, we have a fairly well-established statistical system. For almost 100 years now, we have developed the statistical system and we are making improvements. But we are heavily dependent on administrative

departments to construct the statistical system that we have. The dependence on the administrative system is two-fold. First of all, as was referred to, earlier, by Mr. Raja, some of the data that we are collecting were the by-product of the departments which were administrating controls or licences or permits. That is the how we were able to get data on production, investment, capacity, and so on much more correctly in the earlier period because there was an agency which was administering the controls and looking after that. Now, with the liberalisation of the economy, those controls have gone and, therefore, those administrative departments are not in a position to be able to provide the kind of data. The second thing is dependence of the administrative department. We use the administrative departments also for the purpose of collecting data. For example, the *Talathi* or the village head is very much responsible for the collection of agricultural statistics. But over a period of time what has happened is, because of the use of the village head and all that, for various other purposes, the credibility or the quality of data supplied by these agencies have also suffered. And this is a fact. In agricultural statistics we have seen that the data that are being supplied are losing the quality because the collection of statistics does not become an important part of the administrative functions of the people at the lower levels. So, that is the other serious problem that has come about.

(Contd. by NBR/3T)

-SSS/NBR-HMS/3T/5.50.

DR. C. RANGARAJAN (CONTD.): Now, the third problem with respect to collection of data is non-response. The statistical authority tries to collect the data from a variety of sources, let us say, from industrial enterprises. What is the extent of response to the statistical authority's demand? Now, if the response is low, then the credibility attached to the data is also less. The

non-response is proposed to be attacked through this Bill. It is an important aspect of it. There is a serious problem to collect the data as far as the index of industrial production is concerned. They collect data from 'X' number of units. Now, if the 'X' number of units does not supply data, what we do in our system is we repeat the data received in the previous period. That is how it is done. And, therefore, the date has to be revised drastically later on when the data is made available by the units. So, non-response is a very serious problem. That is one thing which is being tackled through this Bill.

When you look at the earlier Act of 1953 and the proposed Bill, the proposed Bill makes very important changes. The first one is the scope of the new Bill. The scope of the new Bill is much wider than the earlier Act. Sir, as is remarked, the existing Act which is in force covers only the commercial and industrial enterprises. But, we need data not only from the commercial industrial enterprises but also from others. Of course, the non-response is also there. But, we go beyond commercial and industrial enterprises and collect data from various sources. Somebody is saying as if other data is not being collected. That is not correct. We do collect a lot of data on socio-economic indicators of various types and we do it on voluntary basis. There is no statutory or legal backing for collection of that data. What is being done now is that the scope of this Bill has been extended from commercial enterprises to individuals and households. Why do the individuals and households come in? For example, we do the National Sample Survey. The family expenditure is the basis of much of the discussions that go on regarding poverty lines and so on and so forth. The Consumption Expenditure Survey is a very important survey. But, for the Consumption Expenditure Survey, the data is being provided either by individuals or households. Therefore, we need to cover that. Now, we are collecting data.

It is not as if we are not collecting data. But, we are doing it on a voluntary basis. This Bill provides a legal backing for it.

Also, for the first time, the Bill also provides for the collection of data not only by the Central Government and the State government but also Panchayats and the Municipalities. Sir, increasingly, Panchyats and Municipalities will play an important role and, therefore, they also must have the authority to be able to collect the information. So, the scope is wider, because it collects data not only from commercial enterprises but also individuals and households. A large amount of socio-economic data will become available.

Now, the second point is, if individuals or households or anybody else, even the commercial enterprises, are to give data, it is very important that there must be an assurance that the data so collected will not be shared with anybody else and will be used for statistical purpose. Otherwise, there will be reluctance.

Sir, somebody said about the sensitive data. Sensitive data also has to be collected. Monthly Consumption Expenditure Data is also to be collected. For some, it may be sensitive. But, otherwise, it has to be collected. But the whole point is that it is extremely important to assure the people that it will not be divulged to others, even to other departments in the Government. That is Principle VI of the U.N. Fundamental Principles of Official Statistics. Principle VI says, 'Individual data collected by statistical agencies for statistical compilation, whether they refer to natural or legal persons, are to be strictly confidential and are exclusively for statistical purposes.' Therefore, this particular Bill enjoys that the data collected will not be shared with any one and will be used only for statistical purposes. (CONTD. BY USY "3U")

-NBR-USY/3U/5.55

DR. C. RANGARAJAN (CONTD.): Now, I am not correct that it will not be shared. After all, data will have to be given to others. And, what will be done is that when data is supplied, the individual identity will not be there. I think, it is extremely important because some questions were raised about how people will part with the data. The assurance is that it will not be shared with any other department; secondly, even when the

data will be given, the individual identity of the person will not be revealed.

The third aspect is the deterrent for non-supply of data. For this particular purpose, punishment is imposed. There was a punishment even in the existing Act. But it has, now, been increased because it was less that it could be ignored by anybody. There is also a provision in the present Act that the statistical authority will have an access to records, documents, plans, and so on. This is, of course, a very sensitive issue. But I would only hope that the statistical authority does not re-introduce the 'Inspector *Raj*'. And, I think, it is extremely important that these regulations and these rules are obeyed or managed in a manner in which it does not lead to this kind of harassment, if I may say so.

The third way in which this Act makes an improvement is this. Presently, the system is that the statistical authority asks the data providers to submit the data according to their return, which is to be filed. The scope has been widened to include not only filing of returns, but also oral interviews, and filling of returns electronically. Now, I have one request to the Ministry of Statistics. All the companies, all the enterprises, even small and medium, have management information system. The old method of asking them to file returns on the basis of proforma preferred by the statistical authority is out of date. I think, we must find a way by which we can electronically transfer the data. Therefore, the Ministry of Statistics must study the kind of MIS, which is available in most of the enterprises, and evolve a return, even filing through electronic means in a way in which it is consistent with that. I

think, the most important thing is to file the management information. Look at the management information system, available in the various enterprises, and do it.

There is also a reference to core statistics in the Bill. It is somewhat vague. The clause is not really very precise about it. The National Statistical Commission, which is now operating, will define what the core statistics are. The core statistics are those statistics relating to variables that are considered to be very critical for the country. Once those core statistics are decided, then, rules will be put in place in order to be able to collect the data. Now, we can't define the 'core statistics, here. The core statistics will be defined by the National Statistical Commission. But we do know what these core statistics are. Now, in this way, I think, the new Bill, as I said, is an improvement over the existing Act. It widens the scope; it enables the authority to collect a wide variety of data that are needed. As you all know, as somebody said, it is a backbone, it is a backbone in many ways. If you want to make appropriate policies, you require data. Without data, policy making is just making a guess about what is going to happen. Therefore, data should be the basis for policy formulation. Therefore, a good statistical system is essential for the country.

Now, of course, there are some questions, and somebody raised this question this morning too, that is, about the poverty line and so on. You must make a distinction between two types of data. There are some which are called 'basic data'. Then, there are constructions made on the basis of the data. Now, there is no data called poverty line data.

(Contd. by 3w -- VP)

VP/6.00/3w

DR. C. RANGARAJAN (CONTD.): There is nothing like conducting a survey of people who are poor. That is not the way it is done. What is done is to collect the data on monthly per capita consumption expenditure of various households. Then, after having done that, you can draw a line at where you want to draw the line as to the poor. If you want to say monthly per capita expenditure of 'x' is your poverty line, then, we can calculate from there the number of people who is below the poverty line. Therefore, the methodology for calculating the poverty line, I would say, is not incorrect. It is correct. The way to do it is to go through the monthly per capita consumption expenditure, but it is up to anybody to decide what the level of monthly per capita consumption expenditure is. I must also say a point here. Many people say calorie intake is the only thing that is taken into account. That is not correct. The calorie intake is the basis. But, from the calorie intake you go to the monthly per capita consumption expenditure, which will be corresponding to the calorie intake. That is what is called the Engle's curve. It says that food consumption expenditure is what percentage of the total expenditure. So, from calorie intake, you go to the monthly per capita consumption expenditure. But, where you draw the line as far as monthly per capita consumption expenditure is concerned, it is up to everybody. It is a matter of judgement. But, it can be done. One way of doing it is through the calorie intake. Take the monthly per capita consumption expenditure corresponding to the calorie intake and draw the line there. Anyway, there are many, many interesting problems in

statistics. But, as I mentioned earlier, if data collection have the appropriate quality, they must conform to the statistical theory. Now, the statistical theory comes in, particularly, with respect to sample surveys. How many people do you survey in the country in order to get a good picture about the total monthly per capita consumption expenditure? This is where the theory comes in. No theory comes in when you do the population estimation. That is a census. You go to every household and collect the data. That is simpler. But, when you do a sample survey, sampling theory also comes in as to how much of the number of people should be contacted or sampled before you can arrive at a proper conclusion. Now, let me, therefore, once again say this new enactment is an improvement over the existing Act. It does enable the statistical authority to be able to collect data from a wide number of sources and it provides a legal baton for it. I do hope that all efforts would be made to improve the quality of statistics that are available and all efforts would be made to make available the data in an appropriate time. As I mentioned earlier, for ensuring credibility, timeliness and adequacy, a good data collection system is needed. I think that the present Bill which has been proposed will be a step towards that direction. Thank you very much. (Ends)

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): I want to ask you a question. These election surveys conducted before elections and these forecasts, what do you say about them? Are they scientific? ..(Interruptions)..

DR. C. RANGARAJAN: It has to be scientific. Whether it is scientific or not, is to be tested. But, it has to be scientific. You cannot come to a conclusion regarding what is going to happen.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): But, many of the surveys prove to be wrong. ..(Interruptions)..

DR. C. RANGARAJAN: There are two aspects to it. One is whether the sampling procedure that is adopted is correct or not, and, secondly, how they collected the data. As I was saying, there are two parts to it. So, one of them could be a mistake.

THE VICE-CHAIRMAN: So, by a wrong method of collection, you can arrive at a wrong result and mislead the nation. ..(Interruptions)..

DR. C. RANGARAJAN: Yes. It is possible. But, very often, the sample size may not be adequate. It is extremely important. You can't collect data from everybody, but the sample size has to be related to the ..(Interruptions)..

THE VICE-CHAIRMAN: Maybe, the method adopted is wrong.

DR. C. RANGARAJAN: There are, what are called, random sampling, stratified sampling, and many other methods. We will have to see whether they have adopted that particular method or not. ..(Interruptions)..

THE VICE-CHAIRMAN: I am also a Member, though I am sitting in the Chair. Now, the hon. Minister, Shri G.K. Vasan. (Followed by PB/3X)

PB/3x/6.05

THE MINISTER OF STATE (INDEPENDENT CHARGE) OF THE MINISTRY OF STATISTICS & PROGRAMME IMPLEMENTATION (SHRI G.K. VASAN): Hon. Vice-Chairman, Sir, at the outset, I am thankful to

all the Members of this august House for supporting this Bill and giving their valuable suggestions.

India, we all know, is a developing country, heavily depending on the planning process to meet its social commitments like balanced and inclusive growth to eliminate poverty, achieve higher literacy or health for all. Therefore, the importance of timely and reliable data is very important and needs no emphasis.

Data, I would say, is collected from various Government agencies at the Centre and in the States for planning and policy formulation. Data is used to understand the problems of the people at the national and sub-national levels, and, accordingly, I would say, plans and allocations of resources are done. This is, in fact, the philosophy followed by India in formulating their Five Year Plans.

The proposed Bill today supports the abovesaid process by way of strengthening the data collection mechanism. Informants have to furnish the truth to the best of their belief to the Data Collectors, without any fear or favour, or any apprehensions, that the data could be used against them either for taxation or for prosecution in other cases. This measure is consistent with the United Nations' fundamental principles of official statistics. Principle 6, thereof, states that individual data collected by statistical agencies for statistical compilation, whether they refer to natural or legal persons, are to be strictly confidential and used exclusively for statistical problems. The Collection of Statistics Bill, I would say, upholds this objective. It is very important to note that collecting reliable data is an enormous task, particularly, in a vast country like ours, where language, culture and geographical terrain

change significantly every two hundred kilometres. The Bill grants the Government the authority to collect a wide spectrum of statistics on economic, demographic, social, scientific and environmental aspects. This Bill also envisages collection of data using latest methods, tools and technology. Let me also mention that this Bill facilitates collection of data by Panchayat Raj Institutions and urban local bodies for local level planning to fulfil the commitments enlisted under 73rd and 74th Amendments to the Constitution.

Sir, again I profusely thank all the hon. Members for their valuable observation on the Bill. I would now like to respond to some of the points that our hon. Members have raised. Sir, I am grateful and thankful to Dr. C. Rangarajan, the noted economist, a hon. Member of this august House, for his valuable comments on the Bill. The National Statistical Commission, under his chairmanship, I am proud to say, gave the necessary impetus to bring the Bill to this House. I am happy that he has been able to contribute, today, as a hon. Member of this august House when the Bill is being considered. He has mentioned about the statistics in large. I would say, I will be happy to mention that Dr. C. Rangarajan's mentioning about credibility, timeliness and adequacy will be the main guidelines for the Ministry. The Ministry will take your valuable suggestions and do the needful on the important areas you have mentioned. (Contd. by 3y/SKC)

3y/6.10/skc

SHRI G.K. VASAN (Contd.): I am thankful to my esteemed colleague, Shri Ahluwalia, for his analytic view on this Bill. He rightly mentioned, as Dr. C. Rangarajan also proudly said, that the Ministry is the backbone

for the development of the nation. He was specific in asking about the right to hold back some sensitive or personal information for an individual. Clause 6 of the Bill lays down that providing the information sought is the duty of informants and clause 8 of the Bill provides for right of access to records and right of entry into any premises to the data collection agencies for the purpose of data collection. Offences and penalties are adequately provided in the Bill against non-compliance with the requirements. Hence, the informants can be compelled to provide information as per the Bill. Furnishing information required by the Bill is a national duty. Any citizen is expected to perform even in case where a Government requires sensitive information. As Dr. Rangarajan mentioned, a citizen has to rise to the occasion and furnish the necessary information. There should not be any apprehensions in furnishing important information as the informant's identity could not be made public as per provisions of the Bill. Clause 3 of the Bill, as also a preamble thereof, clearly lays down that statistics on economic, demographic, social, scientific and environmental aspects shall be collected at times. Government at the Centre or in the States may need some information which some individuals may perceive as sensitive or more personal. For example, information on HIV/AIDS or drug abuse which may be treated as sensitive. But the information is surely needed for the welfare of the society. So, such information should be allowed to be collected even if it is perceived as infringing on an individual's right to hold back personal information.

On the clarification sought by Shri Ahluwalia, I would like to say that we conduct surveys on agricultural enterprises, socio-economic

aspects of population and we have the data on these subjects. The Bill, which would be hopefully passed today, will empower to bring all subjects under the Bill besides industry and commercial establishments. This measure, I would say, is at par with UN guidelines on official statistics. I fully agree with the hon. Member, Shri Sudarsana Natchiappan, that data collection needs statutory support.

SHRI S.S. AHLUWALIA: You said that you conduct survey and collect data on fields like agriculture also. Is it voluntary in nature or is it guided by any statute?

SHRI G.K. VASAN: We conduct it in the Ministry and it is voluntary in nature. There is no doubt about it.

SHRI S.S. AHLUWALIA: My request was to bring it under this Bill.

SHRI G.K. VASAN: All right. I fully agree with Dr. Sudarsana Natchiappan that data collection needs starting statutory support and we have to empower Government at all levels for this purpose. It is true that the existing Act provides for using information collected under the Act for a prosecution under the Indian Penal Code. It may be appreciated by hon. Members that such a provision could deter informants from furnishing information without fear or favour. The informants should not have ayn apprehensions that information furnished by them could be used against them either for prosecution for any offences under the IPC or any tax law. The information collected should be used only for statistical purposes. This is an internationally accepted principle. Hence, the Bill does not provide for using information collected for other prosecution such as under the IPC. On the second point raised by Dr. Sudarsana Natchiappan, I would like to draw the attention of the hon.

Member to the provision for avoiding unnecessary duplication in the rule-making power under clause 32.

(Contd. by 3z/hk)

HK/3z/6.15

SHRI G.K. VASAN (CONTD.): The Collection of Statistics Act, 1953, does not provide for avoiding duplication of data collection efforts. The Bill provides for making rules to avoid duplication of data collection efforts. This could not be feasible to achieve if the State Governments are given the rule-making power. Hence, the States are not proposed to be given this power. However, the States could be consulted whenever rules are made. He also suggested that adequate publicity is to be given so that public can respond to data collection. This is done by NSSO. I am sure, I will take up the matter with the NSSO. Hon. Member, Shri P.R. Rajan, mentioned about two or three issues. This Bill could provide ample opportunity to review statistics periodically. This Bill could enable removing duplication of collection of data besides empowering better coordination among all data collection agencies and data across all people could be collected and released irrespective of their economic conditions. Our hon. esteemed colleague, Shri Raja, has given some valuable suggestions and sought two important clarifications. One is about providing in the Bill right to appeal to offenders before the matter reaches any competent court. Sanction for prosecution of any offender has to be accorded by the competent authority as per clause 24 of the Bill. At this stage, the sanctioning authority could look into the available records about offences committed and he may afford an opportunity to offenders to explain their point of views. When the matter

is taken to courts, the offenders could get ample opportunity, I would say, to defend themselves. That is an important clarification that I want to give to the hon. Member, as the principle of natural justice is built in the procedure followed by the court. The other point for clarification is about taking consent of informants before disclosing information collected from them to the third party. It is not practical to take the consent of informants, which are normally large in number, prior to the disclosure of information for *bona fide* research. But adequate safeguards are provided on use of the data for *bone fide* research in clause 11 of the Bill. Hon. Members may kindly appreciate that this Bill has gone through examination at various stages before it was brought in this present form. The suggestions of the Standing Committee on Finance have been very useful in improving the effectiveness of the Bill. Therefore, I take this opportunity to thank the hon. Chairman and the Members of the Standing Committee on Finance. The Bill could be useful to the Government at all levels in organising data collection exercise in a systematic way to help in the policy formulation and informed decision-making process. Hence, I appeal to the hon. Members, through you, that the Bill may be considered and passed by this august House.

(Ends)

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): The question is:

> "That the Bill to facilitate the collection of statistics on economic, demographic, social, scientific and environmental aspects, and for matters connected therewith or incidental thereto be taken into consideration."

The motion was adopted.

THE VICE-CHAIRMAN: We shall now take up clause-by-clause consideration of the Bill.

First, we shall take up clause 2. In clause 2, there are two amendments (Nos. 3 and 4) by the hon. Minister.

Clause 2 -- Definitions

SHRI G.K. VASAN: Sir, I move:

(1) That at page 1, lines 13 and 14, the words "or its instrumentality" be ***deleted***.

(2) That at page 2, line 2, the words "or its instrumentality" be ***deleted***.

The questions were put and the motions were adopted.
Clause 2, as amended, was added to the Bill.

(Contd. by 4a/KSK)

KSK/6.20/4A

Clause 3 was added to the Bill.

CLAUSE 4 - POWERS OF APPROPRIATE GOVERNMENT TO APPOINT STATISTICS OFFICER, ETC.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): We shall now take up Clause 4. There is one amendment (No. 5). Hon. Minister to move the amendment.

SHRI G.K. VASAN: Sir, I move:

5. That at page 3, line 15, ***for*** the words "as may be necessary", the words "on such terms and conditions and on such safeguards as may be prescribed" be ***substituted***.

The question was put and the motion was adopted.
Clause 4, as amended, was added to the Bill.

Clauses 5 and 6 were added to the Bill.

CLAUSE 7 - ALL AGENCIES TO ASSIST

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): We shall now take up Clause 7. There is one amendment (No. 6). Hon. Minister to move the amendment.

SHRI G.K. VASAN: Sir, I move:

6. That at page 3, line 46, ***for*** the words "to other agency or any statistics officer as it may require for the discharge of its or his" the words "to the statistics officer or a person or an agency authorised by him in writing, as he may require for the discharge of his" be ***substituted***.

The question was put and the motion was adopted.
Clause 7, as amended, was added to the Bill.
Clauses 8 and 9 were added to the Bill.

CLAUSE 10 - AGENCIES AUTHORISED TO DISCLOSE CERTAIN INFORMATION

THE VICE-CHAIRMAN: We shall now take up Clause 10. There is one amendment (No. 7). Hon. Minister to move the amendment.

SHRI G.K. VASAN: Sir, I move:

7. That at page 4, lines 29 and 30, ***for*** the words "the agency authorised for collection of statistics", the words "the appropriate Government" be ***substituted.***

The question was put and the motion was adopted.
Clause 10, as amended, was added to the Bill.

CLAUSE 11 - DISCLOSURE OF INFORMATION SCHEDULES FOR

BONA FIDE RESEARCH OR STATISTICAL PURPOSES

THE VICE-CHAIRMAN (PROF. P.J. KURIEN) : We shall now take up Clause 11. There are two amendments (Nos. 8 and 9). Hon. Minister to move the amendments.

SHRI G.K. VASAN: Sir, I move:

8. That at page 4, lines 38 and 39, ***for*** the words "the agency authorised for collection of statistics", the words "the appropriate Government" be ***substituted***.

9. That at page 5, line 4, ***for*** the words "the agency authorised for collection of statistics", the words "the appropriate Government" be ***substituted***.

The questions were put and the motion was adopted.
Clause 11, as amended, was added to the Bill.

CLAUSE 12 - DISCLOSURE OF HISTORICAL DOCUMENTS

THE VICE-CHAIRMAN : We shall now take up Clause 12. There are two amendments (Nos. 10 and 11). Hon. Minister to move the amendments.

SHRI G.K. VASAN: Sir, I move:

10. That at page 5, lines 14 and 15, ***for*** the words "the agency authorised for collection of statistics", the words "the appropriate Government" be ***substituted***.

11. That at page 5, line 16, ***for*** the words, "in the opinion of such agency", the words "in its opinion" be ***substituted***.

The questions were put and the motion was adopted.

Clause 12, as amended, was added to the Bill.

Clauses 13 to 15 were added to the Bill.

CLAUSE 16 - PENALTY FOR MAKING FALSE STATEMENT

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): We shall now take up Clause 16. There are three amendments (Nos. 12, 13 and 14). Hon. Minister to move the amendments.

SHRI G.K. VASAN: Sir, I move:

12. That at page 6, line 3, **after** the word "Whoever", the word "wilfully" be ***inserted***.

13. That at page 6, line 5, ***after*** the words "shall be punishable", the words "with simple imprisonment for a term which may extend to six months or" be ***inserted***.

14. That at page 6, line 7, ***after*** the words "rupees", the words "or with both" be ***inserted***.

The questions were put and the motion was adopted.
Clause 16, as amended, was added to the Bill.

CLAUSE 17 - PENALTY FOR MUTILATION OR DEFACEMENT OF INFORMATION SCHEDULE

THE VICE-CHAIRMAN: We shall now take up Clause 17. There are two amendments (Nos. 15 and 16). Hon. Minister to move the amendments.

SHRI G.K. VASAN: Sir, I move:

15. That at page 6, line 10, ***after*** the words "shall be punishable", the words "with simple imprisonment for a term which may extend to six months or" be ***inserted***.

16. That at page 6, line 11, ***after*** the word "rupees", the words "or with both" be ***inserted***.

The questions were put and the motion was adopted.
Clause 17, as amended, was added to the Bill.

CLAUSE 18 - PENALTY FOR OBSTRUCTION OF EMPLOYEES

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): We shall now take up Clause 18. There are two amendments (Nos. 17 and 18). Hon. Minister to move the amendments.

SHRI G.K. VASAN: Sir, I move:

17. That at page 6, line 13, ***after*** the words "shall be punishable", the words "with simple imprisonment for a term which may extend to six months or" be ***inserted***.

18. That at page 6, line 15, ***after*** the word "rupees", the words "or with both" be ***inserted***.

The questions were put and the motion was adopted.
Clause 18, as amended, was added to the Bill.

CLAUSE 19 - PENALTY FOR OTHER OFFENCES

THE VICE-CHAIRMAN: We shall now take up Clause 19. There are two amendments (Nos. 19 and 20). Hon. Minister to move the amendments.

SHRI G.K. VASAN: Sir, I move:

19. That at page 6, line 21, ***after*** the words "shall be punishable", the words, "with simple imprisonment for a term which may extend to six months or" be ***inserted.***

20. That at page 6, line 22, ***after*** the word "rupees", the words "or with both" be ***inserted***.

The questions were put and the motion was adopted.
Clause 19, as amended, was added to the Bill.

CLAUSE 20 - PENALTY FOR FAILURE TO CARRY OUT DUTIES AND FUNCTIONS BY EMPLOYEES

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): We shall now take up Clause 20. There are two amendments (Nos. 21 and 22). Hon. Minister to move the amendments.

SHRI G.K. VASAN: Sir, I move:

21. That at page 6, line 33, ***after*** the words "shall be punishable", the words "with simple imprisonment for a term which may extend to six months or" be ***inserted.***

22. That at page 6, line 34, ***after*** the words "rupees", the words "or with both" be ***inserted***.

The questions were put and the motion was adopted.
Clause 20, as amended, was added to the Bill.

(followed by 4b - gsp)

GSP-SC/6.25/4B

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): In clause 21, there are two amendments (Nos. 23 & 24) by the hon. Minister.

CLAUSE 21 - PENALTY FOR IMPERSONATION OF EMPLOYEE

SHRI G.K. VASAN: Sir, I beg to move:

(23) That at page 6, line 37, ***after*** the words "shall be punishable", the words "with simple imprisonment for a term which may extend to six months or" be ***inserted***.

(24) That at page 6, line 38, ***after*** the word "rupees", the words "or with both" be ***inserted***.

The questions were and the motion was adopted.

Clause 21, as amended, was added to the Bill.

THE VICE-CHAIRMAN: In clause 22, there are two amendments (Nos. 25 & 26) by the hon. Minister.

CLAUSE 22 - GENERAL PENALTY

SHRI G.K. VASAN: Sir, I beg to move:

(25) That at page 6, line 40, ***after*** the words "shall be punishable", the words "with simple imprisonment for a term which may extend to six months or" be ***inserted***.

(26) That at page 6, line 42, ***after*** the word "rupees", the words "or with both" be ***inserted***.

The question was put and the motion was adopted.

Clause 22, as amended was added to the Bill.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Insertion of New Clause 22A. There is one amendment (No. 27) by the hon. Minister.

CLAUSE 22 A - OFFENCES BY COMPANIES

SHRI G.K. VASAN: Sir, I beg to move:

(27) That at page 6, ***after*** line 42, the following be ***inserted***, namely:-

22A. (1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Explanation- For the purpose of this section -

(a) "company" means any body corporate and includes a firm or other association of individuals; and

(b) "Director", in relation to a firm, means a partner in the firm.

The question was put and the motion was adopted.

Clause 22 A was added to the Bill.

Clauses 23 to 31 were added to the Bill.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN):: In clause 32, there are five amendments (Nos. 28 to 32) by the hon. Minister.

CLAUSE 32 - POWER TO MAKE RULES

SHRI G.K. VASAN: Sir, I beg to move:

(28) That at page 8, line 2, ***after*** the word and figure "section 3", the words "including nomination and registration of statistics officers by the Central Government" be ***inserted***.

(29) That at page 8, ***after*** line 2, the following be ***inserted***, namely:-

"(b) the terms, conditions and safeguards under which any person or agency or company or organization or association may be engaged by the appropriate Government for the purpose of collection of statistics under sub-section (3) of section 4;"

(30) That at page 8, line 3, ***for*** the bracket and alphabet "(b)", the bracket and alphabet "(c)" be ***substituted***.

(31) That at page 8, line 5, ***for*** the bracket and alphabet "(c)", the bracket and alphabet "(d)" be ***substituted***.

(32) That at page 8, line 7, ***for*** the bracket and alphabet "(d)", the bracket and alphabet "(e)" be ***substituted***.

The questions were put and the motion was adopted.

Clause 32, as amended, was added to the Bill.

Clause 33 was added to the Bill

THE VICE-CHAIRMAN (PROF. P.J. KURIEN):: In Clause 1, there is one amendment (No.2) by the hon. Minister.

CLAUSE 1 - SHORT TITLE, EXTENT AND COMMENCEMENT

SHRI G.K. VASAN: Sir, I beg to move:

(2) That at page 1, line 5, *for* the figure "2007", the figure "2008" be ***substituted***.

The questions were put and the motion was adopted.

Clause 1, as amended, was added to the Bill.

THE VICE-CHAIRMAN: In the Enacting Formula, there is one amendment (No.1) by the hon. Minister.

ENACTING FORMULA

SHRI G.K. VASAN: Sir, I beg to move:

(1) That at page 1, line 1, ***for*** the word "Fifty-eighth", the word "Fifty-ninth" be ***substituted***.

The questions were put and the motion was adopted.

The Enacting Formula, as amended, was added to the Bill.

The Title was added to the Bill.

SHRI G.K. VASAN: Sir, I move

That the Bill, as amended, be passed.

The question was put and the motion was adopted

(Ends)

MESSAGE FROM LOK SABHA

THE APPROPRIATION (NO.4) BILL, 2008

SECRETARY-GENERAL: Sir, I have to report to the House the following message received from the Lok Sabha, signed by the Secretary-General of the Lok Sabha:-

"In accordance with the provisions of rule 96 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose the Appropriation (No.4) Bill, 2008, as passed by Lok Sabha at its sitting held on the 19th December, 2008.

2. The Speaker has certified that this Bill is a Money Bill within the meaning of article 110 of the Constitution of India.

Sir, I lay a copy of the Bill on the Table.

(Ends)

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): The House stands adjourned to meet at 11.00 a.m. on Monday, the 22nd December, 2008.

*****

The House then adjourned at thirty minutes past six of the clock till eleven of the clock on Monday, the 22nd December, 2008.

Extract

LOK SABHA

SYNOPSIS OF DEBATES
(Proceedings other than Questions & Answers)

Tuesday, December 23, 2008 / Pausa 2, 1930 (Saka)

THE COLLECTION OF STATISTICS BILL, 2008

(As passed by Rajya Sabha)

THE MINISTER OF STATE OF THE MINISTRY OF STATISTICS AND PROGRAMME IMPLEMENTATION (SHRI G. K. VASAN) moved the motion for consideration and passing of the Bill.

The Bill, was passed without discussion

Lok Sabha Debate on 11-04-2017 on the COS (Amendment) Bill, 2017

16.52 hours

COLLECTION OF STATISTICS (AMENDMENT) BILL, 2017 ..... Contd.

HON. DEPUTY SPEAKER: The House will not take up Item No. 32.

श्री जुगल किशोर (जम्मू) : माननीय उपाध्यक्ष महोदय, आपने मुझे सांख्यिकीय संग्रहण (संशोधन) विधेयक, 2017 पर बोलने का मौका दिया, उसके लिए मैं आपका आभार प्रकट करता हूँ।

देश के प्रधानमंत्री माननीय श्री नरेन्द्र मोदी जी के नेतृत्व में माननीय मंत्री श्री सदानन्द गौड़ा जी द्वारा लाये गये इस विधेयक में वर्ष 2008 के अधिनियम में संशोधन किया गया है। इस विधेयक का विस्तार जम्मू-कश्मीर राज्य तक करने का प्रावधान इस बिल में किया गया है, जिसका वहाँ के लोगों को भी बहुत लाभ मिलेगा। पहले वहाँ के लोगों को इसका लाभ नहीं मिल पा रहा था। इसका एक बहुत बड़ा संदेश पूरे भारतवर्ष में भी जाएगा।

मैं कहना चाहता हूँ कि इस विधेयक के उद्देश्यों और कारणों में कहा गया है कि सांख्यिकीय संग्रहण अधिनियम, 2008 केन्द्र, राज्य और संघ-राज्य क्षेत्रों के मंत्रालयों या विभागों या स्थानीय सरकारों द्वारा आर्थिक, जनसांख्यिकीय, सामाजिक, वैज्ञानिक, पर्यावरणीय आदि कई पहलुओं पर सांख्यिकी के संग्रहण को सरल बनाने के लिए यह विधेयक लाया गया है।

इस विधेयक मे केन्द्र सरकार और प्रत्येक राज्य सरकार को सांख्यिकीय क्रियाकलापो के समन्वय और पर्यवेक्षण के लिए अन्य शक्तियों का प्रयोग तथा अन्य कर्त्तव्यों का पालन करने के लिए अपने अधिकारियों में से किसी एक अधिकारी को नोडल ऑफिसर बनाने की बात कही गयी है। विधेयक में कहा गया है कि केंद्र सरकार या राज्य सरकार अपने किसी भी अधिकारी को नोडल ऑफिसर बनाने का अधिकार रखती है।

उपाध्यक्ष गहोदय, यह एक साहसिक और ऐतिहासिक कदम है। जब से देश में नरेन्द्र भाई मोदी जी की सरकार इस देश में बनी है, तब से देश में ऐतिहासिक कदम उठाए जा रहे हैं, चाहे वे कदम जी.एस.टी. बिल के संबंध में हों या चाहे वह नोटबंदी का कदम हो। कल आपने और हम सभी ने देखा कि ओ.बी.सी. कमीशन को संवैधानिक दर्जा दिलाया गया है। ये इस सरकार के सब से बड़े ऐतिहासिक कदम रहे हैं। इन कदमों का लाभ आने वाले दिनों में लोगों को मिलेगा। इस देश की जनता ने इन कदमों का स्वागत किया है और जनता इन कदमों की सराहना कर रही है। इन आँकड़ों के संग्रहण हेतु इस संशोधन विधेयक के

माध्यम से सही डाटा उपलब्ध हो सकेगा। हम यह मानकर चलते हैं कि पहले यह डाटा उपलब्ध नहीं होता था। जब डाटा सही तरीके से उपलब्ध होगा, तभी देश में डेवलपमेंट हो सकेगा।

उपाध्यक्ष महोदय, इस बिल के द्वारा यह भी पता लगाया जा सकेगा कि किस वर्ग का व्यक्ति कहाँ रहता है, उनमें से कौन गरीब और कौन अमीर है और किस वर्ग के लोगों की क्या जरूरतें हैं। इससे आने वाले दिनों में उनकी बेहतरी के लिए प्लानिंग कर के योजनाएँ बनाते वक्त, इन आँकड़ों का पूरा सहयोग मिलेगा। जब आँकड़े सही होंगे, तो योजनाएँ अच्छी तरह से बन सकेंगी और लागू भी हो सकेंगी।

उपाध्यक्ष महोदय, इसके और भी कई लाभ हैं। आज से पहले भी ऐसा होता आया है कि कोई व्यक्ति कई आइडेंटिटी काड्र्स बनाकर लोगों को धोखा देते रहे हैं। इस तरह के व्यक्ति ऐसे फ्रॉड्स करते आए हैं। हमने देखा है कि इससे पहले जो सरकारें रहीं, उनमें कई तरह के फ्रॉड्स होते थे, लेकिन अब आने वाले दिनों में इसे आधार के साथ जोड़ा जा रहा है, जिससे सही आँकड़े प्राप्त होंगे, जिससे इस प्रकार के फ्रॉड्स नहीं होंगे।

उपाध्यक्ष महोदय, मैं यह भी कहना चाहता हूँ कि केंद्र की योजनाओं का सीधा लाभ विशेष तौर पर गरीबों को मिलना चाहिए, जो कि पहले नहीं मिलता था। मैं अपनी बात जल्दी ही खत्म करूँगा। माननीय नरेन्द्र भाई मोदी जी ने गरीबों के कल्याण के लिए कई योजनाएँ चलाई हैं, जिनका सीधा लाभ गरीबों को मिल रहा है। अब धांधलियों का दौर भी खत्म हो चुका है। सही आँकड़े न मिलने के कारण लोगों को कई प्रकार की परेशानियों का सामना करना पड़ता था। पहले गरीब किसानों और माताओं व बहनों को इस प्रकार की योजनाओं का लाभ नहीं मिल पाता था। अब उन सभी लोगों को इन योजनाओं से लाभ मिलेगा। उज्ज्वला स्कीम का लाभ, आवास का लाभ और पेंशन का लाभ इन लोगों को मिलेगा।

उपाध्यक्ष महोदय, अब जम्मू-कश्मीर के लोग भी इन योजनाओं का लाभ उठा पाएंगे, जो कि बरसों से वे नहीं उठा पाते थे। मैं आपके माध्यम से सदन तक यह बात भी पहुँचाना चाहता हूँ कि जम्मू-कश्मीर को कुछ विशेषाधिकार मिले हुए हैं। हम सभी जानते हैं कि जम्मू-कश्मीर प्रदेश को कुछ विशेष अधिकार दिए गए हैं, लेकिन ये अधिकार सिर्फ कहने के लिए ही विशेष हैं। इनकी वजह से जम्मू-कश्मीर काफी पीछे चला गया है। आर्थिक और सामाजिक विकास की दृष्टि से देखने पर पता चलता है कि जम्मू-कश्मीर के लोग आज तक अपने पाँव पर नहीं खड़े हो सके हैं।

उपाध्यक्ष गहोदय, इसका कारण ... *हैं। यदि ऐसे कदम पहले उठाए गए होते तो जम्मू कश्मीर की आज यह हालत न हुई होती। जो काम अब हो रहा है, वह काफी पहले ही हो जाना चाहिए था। ...(व्यवधान)

कुमारी सुष्मिता देव (सिल्चर): ...(व्यवधान) आप बिल पर बोलिए।

श्री जुगल किशोर: मैं बिल पर ही बोल रहा हूँ। आप लोगों ने जम्मू-कश्मीर को इग्नोर कर के रखा था। इस बिल के माध्यम से जम्मू कश्मीर भी भारत के बाकी वर्गों के साथ शामिल हो जाएगा। यह ...(कार्यवाही-वृत्तान्त में सम्मिलित नहीं किया गया।) की स्वार्थ की राजनीति थी, जिसके कारण आज जम्मू कश्मीर की यह हालत है।

17.00 hours

अगर ... * ने ... * के साथ दोस्ती न निभाई होती और स्वार्थ की राजनीति न की होती तो न ही जम्मू कश्मीर के दो टुकड़े होते और न ही आज पी.ओ.के. होता। ...(व्यवधान)

उपाध्यक्ष महोदय, मैं बताना चाहता हू कि आज जम्मू कश्मीर के जो हालात हैं, वह ... *की देन है। यह कांग्रेस की स्वार्थ की राजनीति के कारण हुआ है। आज जम्मू कश्मीर के लोग दर-दर की ठोकरें खा रहे हैं,...(व्यवधान) वे दूसरे प्रदेशों की श्रेणी में नहीं आ रहे हैं। आज जम्मू कश्मीर डेवलप नहीं हो पा रहा है।...(व्यवधान)

मैं कहना चाहता हूं कि यह जो बिल है, इस बिल के माध्यम से लोग देश के साथ जुड़ेंगे और जम्मू कश्मीर के लोगों को भी इस बिल के माध्यम से पूरा लाभ मिलेगा।

उपाध्यक्ष महोदय, यदि आप इजाजत दें तो मैं बताना चाहूंगा कि किस तरह से ... * ने जम्मू कश्मीर का बेड़ा ग़र्क किया था, जिसका ख़ामियाज़ा हम आज तक भुगत रहे हैं।...(व्यवधान) मुझे इस बात की खुशी है कि जम्मू कश्मीर को इस बिल के माध्यम से लाभ मिलेगा और सही आंकड़े सीधे केंद्र को मिलेंगे। एक नोडल ऑफीसर नियुक्त किया गया है। इसका बहुत बड़ा लाभ आम जनता को भी मिलने वाला है। मैं आपके माध्यम से इस बिल का समर्थन करता हूं और स्वागत करता हूं।

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* Not recorded.

SHRI THOTA NARASIMHAM (KAKINADA): Hon. Deputy Speaker, Sir, I thank you for giving me the opportunity to speak on the Collection of Statistics (Amendment) Bill, 2017. This is a very important Bill. I support the Bill on behalf of the Telugu Desam Party. This Bill extends its jurisdiction to Jammu and Kashmir for collection of statistics pertaining to different subjects under the Union List or Concurrent List of the Constitution, as applicable to Jammu and Kashmir.

Here I would like to mention the Collection of Statistics Act 1953. The 1953 Act was enacted to facilitate the collection of statistics of certain kinds relating to industry, trade and commerce, which was later extended to cover all kinds of statistics, not only relating to industry, but also households, individuals and local governments. The Act was later replaced by the Collection of Statistics Act, 2008. I want to state that the Collection of Statistics (Amendment) Bill would extend to the State of Jammu and Kashmir in terms of collection of data on economic, demographic, social, scientific and environmental aspects, covering the statistical subjects specified in List-1 of Union List which were covered neither in the Collection of Statistics Act 2008 nor the Jammu and Kashmir Collection of Statistics Act 2010 passed by the State Legislature.

Since the 2008 Act did not apply to the State of Jammu and Kashmir, the present amendment Bill seeks to fill the legislative vacuum by extending the ambit of this Bill to the whole of India. Moreover, the concurrent jurisdiction to be exercised by the Centre in Jammu and Kashmir had also not been provided for in the Collection of Statistics Act 2008. The 2008 Act granted all States and Central Ministries and Departments as well as Panchayats and municipalities the authority to collect statistics on economic, demographic, social, scientific and environmental aspects through statistical surveys by issuance of a gazette notification. However, this excluded collection of statistics relating to matters of the census, the Survey of India and anything appearing in the Seventh Schedule. This amendment Bill hopes to rectify that which is a positive outcome.

Sir, under this Bill, the Central Government or a State Government or a Union Territory administration shall designate one of its officers as a nodal officer for the purpose of supervision of activities related to collection of statistics. The Bill enables such officer to seek such information through telefax, telephone, email, or any other electronic form, thereby bringing information collected through modern techniques under the purview of the Bill. The officer would have the right to approach any informant for collection of data and also to access any relevant document in a person's possession.

One positive aspect I would like to appreciate is that the Bill provides security for such information being used only for statistical purposes and no such information provided can be used as evidence for prosecution. Thank you.

DR. A. SAMPATH (ATTINGAL): Thank you, Deputy-Speaker Sir. I would like to support the Bill. *Prima facie*, this Bill is very innocent, just as we see the smiling face of Shri Sadananda Gowda but through you I would like to get certain clarifications from the hon. Minister.

The Collection of Statistics (Amendment) Bill, 2017 has, as I understand, one part connected with the States of India; and the other part is for Jammu and Kashmir. I have no difference of opinion regarding the Statement of Objects and Reasons but I would like to get certain clarifications from him. In the first paragraph itself it says:

> "The Collection of Statistics Act, 2008 (7 of 2009) was enacted to facilitate collection of statistics on economic, demographic, social, scientific and environment aspects by the Ministries or Departments at the Centre or the States or Union territories or by local Governments."

The Financial Memorandum says:

> "Clause 4 of the Bill empowers the Central Government or a State Government or Union territory administration to designate one of its officers as a nodal officer."

In the Memorandum Regarding Delegated Legislation, para 1 says:

"Clause 4 of the Bill empowers the Central Government to make rules on powers and duties of a nodal officer, who may be designated to coordinate and supervise such statistical activities in the Central Government or a State Government or Union territory Administration."

Here, the rules are made by the Union Government. The officer may be either an officer of a Union Territory or a State or of the Government of India. I pray no such occurrence happens but since here it says, 'the officer may be', we have discuss and find some via media to sort this out because we believe in co-operative federalism. There should be no conflict between the Government of India and the Governments in the various States.

In many States, there are no rules. If we are enacting this, many rules are to be made by the State Governments concerned. In many States there are no rules because many of the State Governments I understand – if I am wrong I would be happy to be corrected – have no statute by the State Legislature. What are the powers? Who is going to monitor them?

Coming to the Statistical Academy, the Minister knows very well that with the help of the Government of India various State Governments were requested to start their statistical academies. One statistical academy was given to the State of Kerala and fortunately it was proposed to be started in my constituency. I hope that it would be started. I believe that it would not be snatched away by somebody else from among my colleagues.

Regarding the funding pattern, the project that was in existence under the funding pattern during 2011-12 has to continue. That funding pattern has to continue. The name of the project was India Statistical Strengthening Project. What is its present condition?

Regarding agricultural statistics, here many of the newspapers have covered the issue. This Bill was tabled in the House but it took quite a long time where

quite a lot of other Bills came in between and this was put just like a train which was coming late. The hon. Minister was earlier in charge of Railways. He was the Union Minister of Railways and we were constantly banging at his door with quite a lot of memorandums. Just like that, we were also waiting. ... (*Interruptions*)

HON. DEPUTY SPEAKER: Please conclude now. We have to pass the Bill.

... (*Interruptions*)

DR. A. SAMPATH: We can pass the Bill. I am not opposing it. I am only supplementing something for the sake of the House. Very few Members are here; most of them have already left for the constituencies. You and I and only some more hon. Members are here. ... (*Interruptions*)

Regarding the Aadhar card, I think the hon. Supreme Court made a ruling and said that the Government can make Aadhar mandatory for opening bank accounts but not for availing benefits. For Centrally-sponsored schemes and other beneficial schemes, data is necessary. One newspaper has stated it and thousands and thousands of complaints are pouring in, not only for us but to the Ministers also.

In one case, against the column 'sex' male was entered for a female. In such a case the Aadhaar becomes futile. In another case, it has been reported in various media reports, I am not quoting all the reports, a person who is above the age of 65 years, is shown as 36 years old in his Aadhaar Card. How can he avail of the benefits available to a senior citizen? Questions have been asked as to how reliable are India's official statistics. I can give you one example, only with your permission, Sir.

In 1981-91 and 1991-2000 Nagaland Census, officially it was declared that the State population grew by 56.09 per cent and 64.53 per cent respectively. Subsequently, in 2011 Nagaland's population shrunk by 0.47 per cent. If we have to depend on the official statistics, the Government should come clean with the socio-economic data of 2011 Census. What about the Caste Census which was conducted? In a nation where we are all bound to know what is happening, we are

in oblivion of the 2011 Census. The Members of Parliament do not know anything about it. What was the Caste Census six years back has not been revealed even in this House! Similar is the case with regard to Below Poverty Line figure. I genuinely believe that these things are for the benefit and welfare of the people. You also know, in our college days… (*Interruptions*)

HON. DEPUTY SPEAKER: You come to the point.

DR. A. SAMPATH: Yes, Sir.

I believe you will not term it as unparliamentary, 'lie' statistics. Our statistics should be reliable. Estimates with regard to poverty lines by various agencies differ but the poverty remains. I would like to talk about the universal basic income. Through you, Sir, I would like to know from the hon. Minister that when we are heading towards a welfare State why can we not wholeheartedly make legislation for a universal basic income.

I would like to know whether the below poverty line statistics is arrived on the basis of the income of the family, per capita income, per-capita consumption or calorie consumption per person per day. It differs… (*Interruptions*)

HON. DEPUTY SPEAKER: This can be discussed in other forum.

DR. A. SAMPATH: There have been disagreements between the statisticians in urban areas and rural areas. I have two more points before concluding.

How many Indians are working abroad? In this august House we have today discussed a similar matter. Cutting across Party lines - BJP, Congress, TRS, TDP, AIADMK, CPI (M) or Independent Members - our heart was with that man, our brother.

HON. DEPUTY SPEAKER: You are diverting the whole issue. You are not speaking on the issue.

DR. A. SAMPATH: I am going to conclude now.

With regard to the *Pravasi Suraksha Yojana*, I would like to know why the Government has decided to stop that welfare scheme. It was the only welfare

scheme where the immigration clearance was required. The poor people who have not… (*Interruptions*)

HON. DEPUTY SPEAKER: You are diverting the whole issue. You are not speaking on the subject.

… (*Interruptions*)

DR. A. SAMPATH: From your State, Tamil Nadu, the maximum numbers of people are now going abroad. Immigration clearance is required for them.

HON. DEPUTY SPEAKER: You are raising a number of issues which are not related to this Ministry.

DR. A. SAMPATH: My humble request to the Minister is that we have to render justice to the people living not only in India but also to Indians working abroad to earn their livelihood.

HON. DEPUTY SPEAKER: What is this? We are discussing statistics and you are talking about so many welfare schemes. You are diverting. When we will discuss those departments then you can speak on that. Please wind up.

DR. A. SAMPATH: During the presence of the hon. Minister, I have said these things in this august House.

HON. DEPUTY SPEAKER: There would be so many occasions. For another two years, you are going to be a Member of Parliament. Why are you worrying? Please wind up.

DR. A. SAMPATH: This is a clear-cut legislation and I support it. But, at the same time, I have to put my points to you.

SHRI G. HARI (ARAKKONAM): Hon. Deputy Speaker, Sir, the Collection of Statistics Bill, 2017 seeks to amend the Collection of Statistics Act, 2008. The 2008 Act facilitates the collection of statistics related to social, economic, demographic, scientific and environmental aspects by Central, States and Local Governments. It allows the appointment of statistics officers to collect information and contain provisions to ensure security of information.

The Bill is to extend the jurisdiction of the Collection of Statistics Act, 2008 to Jammu & Kashmir on statistics relevant to any matters under any of the entries specified in the List-I and the List-III in the Seventh Schedule to the Constitution. The Amendment will strengthen data collection mechanism in the State of Jammu & Kashmir. The Amendment will provide for extending the jurisdiction of the Act to Jammu & Kashmir State in respect of matters not reserved for the State as per the Constitution Order, 1954 and for appointing a nodal officer at the Centre and in each State and Union Territory to effectively coordinate data collection activities and provide consultation to Government Departments for avoiding unnecessary duplication, etc. Sir, I would like to suggest to the Union Government to incorporate a provision into the proposed Bill. There should be a time-frame for furnishing data or statistics and it has to be made binding on all because the current status of statistics of some departments with regard to adequacy, timeliness and reliability are far from satisfactory.

Hon. Deputy Speaker, Sir, timely availability of statistics is the essence of the efficiency of national statistical system. Statistics with a long time gap or with faulty data or with backlogs may not be of much use for policy making. It will deter the proper implementation of the schemes. The efforts to improve agricultural, industrial and other statistics at the ground level will have to be quick and precise. Only then impact of statistical data on national level would produce desired and proper result. This will help to improve the quality of life of people for broad-based social transformation in development. The 2008 Act is not applicable to Jammu and Kashmir. The Bill seeks to extend its jurisdiction to Jammu and

Kashmir for the collection of statistics pertaining to subjects under the Union or the Concurrent list of the Constitution. India is a vast country with "unity in diversity" character. The statistics and compilation of data on multi-varied subjects are absolutely essential for formulating policies and schemes. Therefore the appropriate and accurate collection of data cannot be taken lightly.

Hon. Deputy Speaker, Sir, the Bill provides for the appointment of a nodal officer by the Central or State Governments. The nodal officer will coordinate and supervise statistical activities under the government by whom he is appointed. The regional diversity and special characteristics should be incorporated as data before devising policies and schemes. The 2008 Act provides that the information collected under it can only be used for statistical purposes. The Bill removes this provision. It allows the Central Government to determine the manner in which such information collected will be used, for statistical purposes. Thank you, Deputy Speaker, Sir.

SHRI VARAPRASAD RAO VELAGAPALLI (TIRUPATI): Hon. Deputy Speaker, Sir, unfortunately we give very least priority to Statistics. The adage goes, 'lies, damn lies and statistics.' Nevertheless, we consider statistics extremely important for many welfare things. I can say that statistics are very important. Therefore, its streamlining and strengthening are extremely essential for a welfare country like ours. At present, its coverage is extremely limited. It could be made more comprehensive. For example, recently when the GDP and GNP survey was done, many people were raising questions about the veracity of the GDP - whether it is true or otherwise. It means, we are following the same system of computation of GDP that had been followed some decades back like going for the bills of telephones and all that. It means that the computation is extremely outdated. Therefore, I would request the hon. Minister to give a thought to that and make it more up-to-date.

I know that this legislation is filling up a big vacuum in Jammu and Kashmir as well as in the Concurrent List for which I congratulate the hon. Minister. The Nodal Officer is extremely essential both for the States as well as the Centre because it will avoid duplication and provide authenticity. Therefore, that has to be made compulsory in all the States.

Presently, as I was telling, the collection of statistics is only for limited purposes. But more important things are there to be covered and I would request the hon. Minister to do that. The sphere of statistics may be spread. For example, as far as statistics for the undertrials who are in jails is concerned, we do not have any authenticity. Similarly, statistics on what kind of people and communities are being given death penalty and all that is not available. Therefore, the sphere of statistics has to be made a little wider so that welfare measures and proper measures could be taken for giving justice to all the people.

Similarly, legal aid is available but we are not able to say that to whom it is going and all that. All these are very important things. So, I would request the hon. Minister to kindly make it wider and comprehensive. It should be

streamlined. Take for example banks. No one knows where actually the loans are going, to what extent, it is going; which communities are taking loans; which States are taking them, etc. It is the wealth of the States. So, unless the statistics are made comprehensive, no one knows who is enjoying the wealth of the State. Therefore, I would request the hon. Minister to kindly make it more comprehensive so that the welfare schemes could be better implemented and the governance could also be improved as far as our country is concerned.

Lastly, we need adequate balancing between privacy and transparency when we take up the statistics, particularly with regard to Aadhaar and all that. There is a lot of confusion. Kindly ensure a proper thought is given when such information is shared, particularly when foreign agencies, foreign countries and foreign investment institutions are involved. I am sure adequate steps would be taken.

As regards frequency of computation of statistics with regard to unemployment and agriculture is concerned, we are doing it once in five years or so. It is extremely unfair. As far as unemployment statistics are concerned, we need to collect them every year. Similarly, for agriculture also, the frequency should be increased to every year so that whatever is to be done for the welfare of this sector could be done in a better way. The gap between the rich and the poor is increasing. Unless the statistics are provided adequately, the gap between the rich and the poor cannot be bridged. The same is true in the case of urban poor.

With these few points, I thank, once again, the Chair and the hon. Minister.

श्री विद्युत वरन महतो (जमशेदपुर): उपाध्यक्ष महोदय, आपने मुझे अत्यंत ही महत्वपूर्ण 'सांख्यिकीय संग्रहण (संशोधन) विधेयक, 2017' पर बोलने का मौका दिया, इसके लिए मैं आपको धन्यवाद देता हूं।

महोदय, इस विधेयक का पहला संशोधन, सांख्यिकीय संग्रहण अधिनियम, 2008 का विस्तार जम्मू-कश्मीर राज्य तक करना, जहां तक यह उस राज्य में लागू संविधान की सातवीं अनुसूची की सूची (संघ सूची) या सूची - 3 (समवर्ती सूची) में विनिर्दिष्ट किन्हीं प्रविष्टियों के अधीन आने वाले किसी विषय से संबंधित किसी सांख्यिकीय सर्वेक्षण से संबंधित है।

दूसरा संशोधन, केन्द्रीय सरकार और प्रत्येक राज्य सरकार के सांख्यिकीय क्रियाकलापों के समन्वय और पर्यवेक्षण के लिए ऐसी अन्य शक्तियों का प्रयोग तथा ऐसे अन्य कर्तव्यों का पालन करने के लिए, जो नियमों द्वारा बनाए गए, अपने अधिकारियों में से किसी एक को नोडल अधिकारी के रूप में अभिहित करना है। यह विधेयक पूर्वोक्त उद्देश्यों की प्राप्ति के लिए है।

सभापति महोदय, भारत में आंकड़े एकत्र करने, कारगर प्रशासन तथा कल्याणकारी कार्यक्रमों के लिए विभिन्न प्रकार के आंकड़ों के उपयोग की एक बहुत पुरानी और मजबूत परम्परा रही है। कौटिल्य के अर्थशास्त्र (321-296 बीसी) के जनसंख्या ऑकलन के प्रणाली तथा गांवों और शहरों में कृषि, जनसंख्या तथा अन्य आर्थिक कार्यकलापों से संबंधित आंकड़ों के संग्रहण के संकेत मिलते हैं। साथ ही, अबुल फज़ल की आइने अकबरी में भी इस बात के सबूत मिले हैं कि मुगल काल में आंकड़ों का संग्रहण तथा इनका अनुप्रयोग काफी प्रचलित था। ब्रिटिश शासन ने, समय-समय पर गठिन विभिन्न समितियों/आयोगों की सिफारिशों के आधार पर देश में एक मजबूत सांख्यिकी प्रणाली की नींव रखी थी।

इसमें जम्मू-कश्मीर राज्य लागू नहीं था। सांख्यिकी संग्रहण अधिनियम, 2008 के कार्यान्वयन में बाधाएं थी। 11 जून, 2010 को सांख्यिकी संग्रहण अधिनियम, 2008 के लागू होने के बाद से, 3 वर्ष से ज्यादा का समय बीत चुका है, लेकिन इस अधिनियम के तहत अभी भी संबंधित मंत्रालयों/विभागों द्वारा आंकड़ों के संग्रहण के लिए बहुत ज्यादा सांख्यिकी कार्यकलाप नहीं किए जा रहे हैं । कुछ मंत्रालयों ने इसके महत्व को अवश्य महसूस किया है और उन्होंने इस इरादे से सांख्यिकी और कार्यक्रम कार्यान्वयन मंत्रालय से सम्पर्क किया है। लेकिन, किसी न किसी कारण से उन्होंने अपने सांख्यिकी कार्यकलापों में इस अधिनियम के प्रावधानों को लागू नहीं किया है। इस अधिनियम के उपयोग में बाधा साबित होने वाले कुछ प्रमुख कारणों पर प्रकाश डाला गया है; सांख्यिकी संग्रहण अधिनियम, 2008 के प्रावधानों के बारे में जानकारी की कमी और गलतफहमी है। हालांकि अपने-अपने केन्द्रीय मंत्रालयों/विभागों में सांख्यिकी कार्यकलापों के संचालन से संबंधित अधिकारी कुल मिलाकर सांख्यिकी संग्रहण अधिनियम, 2008 के बारे

में जानते हैं, लेकिन उन्हें इस अधिनियम के विभिन्न प्रावधानों और सांख्यिकी कार्यकलापों के संचालन तथा जुटाई गई सांख्यिकी की गुणवत्ता में सुधार लाने की इनकी क्षमता के बारे में पर्याप्त जानकारी नहीं है। इसकी वजह से कई मंत्रालय और विभाग आंकड़ा संग्रहण की मौजूदा प्रणाली को ही ज्यादा सहज मानते हैं और इसी का अनुकरण करके आंकड़े एकत्र कर रहे हैं। यह देखा गया है कि जागरूकता की कमी के कारण, कुछ राज्यों ने सांख्यिकी संग्रहण अधिनियम, 2008 की धारा 4 तथा सांख्यिकी संग्रहण नियमावली, 2011 के नियम 7 के तहत सामान्य आदेश जारी किए और इसके माध्यम से उनके द्वारा किए जाने वाले सांख्यिकी कार्यकलापों के लिए सांख्यिकी अधिकारी नियुक्त किए गए, लेकिन इस अधिनियम की धारा 3 के तहत जैसा अपेक्षित है, इन आंकड़ों के संग्रहण के लिए अनिवार्य निर्देश भी जारी नहीं किए गए हैं। इस अधिनियम में स्पष्ट रूप से कहा गया है कि किसी विशिष्ट विषय के बारे में आंकड़े एकत्र करने के बारे में अधिनियम की धारा 3 के तहत निर्देश जारी करने के बाद ही, इस अधिनियम के प्रावधान के विषय में आंकड़ा संग्रहण के लिए लागू होंगे और केवल उन आंकड़ों को एकत्र करने के लिए ही तत्संबंधी धारा के तहत सांख्यिकी अधिकारी नियुक्त किया जा सकता है।

महोदय, झारखंड के कोडरमा में डाटा एकत्र करने के लिए एक ऑफिस था, जिसे पिछले दिनों कोलकाता शिफ्ट कर दिया गया। इसके बाद यहां पर कई प्रकार की समस्याएं उत्पन्न हो गई हैं। पहले यहां पर दो हजार के करीब स्टॉफ थे, आज वहां पर मुश्किल से 25 ही स्टॉफ हैं।

मैं आपके माध्यम से माननीय मंत्री जी से आग्रह करता हूं कि इस ऑफिस को दोबारा कोलकाता से झारखंड में लाया जाए, ताकि यहां पर डाटा से संबंधित जो भी असुविधाएं हैं, उनका डाटा कलेक्ट करके समाधान किया जाए। आपने मुझे इस बिल पर बोलने का मौका दिया है, इसलिए मैं आपका बहुत-बहुत धन्यवाद करता हूं।

श्री कौशलेन्द्र कुमार (नालंदा) : उपाध्यक्ष महोदय, आपने मुझे सांख्यिकीय संग्रहण (संशोधन) विधेयक, 2017 पर होने वाली चर्चा में बोलने की अनुमति दिया है, इसलिए मैं आपका बहुत-बहुत धन्यवाद करता हूं।

सरकारी राष्ट्रीय सांख्यिकी संग्रहण अधिनियम, 2008 में संशोधन के पश्चात अब सरकार जम्मू-कश्मीर राज्य में भी सामाजिक, आर्थिक, भौगोलिक, जनसंख्यकीय, वैज्ञानिक और पर्यावरणीय पहलुओं से संबंधित डाटा/आंकड़ा को संग्रह करने में सशक्त होगी। वैसे भी सरकार के पास सभी प्रकार के डाटा एवं आंकड़े मौजूद हैं, किन्तु उसका उपयोग कहां हो रहा है? आंकड़े सिर्फ एकत्रित होकर फाइलों में ही रह जाते हैं। वर्ष 2008 के अधिनियम के तहत इन सभी आंकड़ों की जानकारी का इस्तेमाल केवल सांख्यिकीय परियोजनाओं के लिए किया जा सकता है, किन्तु इस विधेयक से सरकार उक्त प्रावधान को हटा रही है, जो नुकसानदेह साबित हो सकता है। आज पूरे देश में आंकड़ों एवं डाटा की सुरक्षा तथा किसी भी व्यक्ति की गोपनीयता का उजागर होने पर बहस चल रही है। यह सही है कि इस प्रकार के सभी डाटा किसी के हाथ में जाने पर उसका नुकसान होगा, डाटा का दुरूपयोग होगा। आज आधार कार्ड के डाटा के बारे में भी यही आशंका की जा रही है, क्योंकि सरकार के पास डाटा का संग्रहण करने के लिए कोई अच्छी व्यवस्था नहीं है। उसका दुरूपयोग रोकने के लिए भी कड़े कानून का प्रावधान नहीं है। सरकार को पहले इस प्रकार की विधि लानी चाहिए, जिससे यह सुनिश्चित हो कि सरकार द्वारा एकत्रित का डेटा का कोई दुरूपयोग नहीं हो और व्यक्ति की गोपनीयता का हनन न हो, यह हमारा मौलिक अधिकार है।

धन्यवाद।

श्रीमती अंजू बाला (मिश्रिख) : उपाध्यक्ष महोदय, आपने मुझे सांख्यिकीय संग्रहण संशोधन बिल, 2017 पर बोलने का मौका दिया, इसके लिए मैं आपको धन्यवाद देती हूं। मैं मंत्री जी का आभार प्रकट करती हूं। यह वर्ष 2008 में हो जाना चाहिए था। इस बिल को आज लाने की जरूरत हमें क्यों पड़ी? विपक्ष के लोग इस बारे में बात तो कर रहे हैं, लेकिन मैं जानना चाहती हूं कि इस बिल पर जिस पर आज हम बात कर रहे हैं, उस संशोधान को आज लाने की जरूरत क्यों पड़ी?

मैं खुद जम्मू-कश्मीर की, डिस्ट्रिक्ट कठुआ की रहने वाली हूं। यह बात आज जेहन में आ रही है। हम आंकड़ों की बात करते हैं, जो पूरे हिंदुस्तान पर लागू होता है। अभी हाल ही जीएसटी पास हुआ। यह पूरे हिंदुस्तान में यह लागू होगा, लेकिन जम्मू-कश्मीर उससे वंचित रहेगा। 2011 की जनगणना के आधार पर, जब जनगणना होती है, तो अलग-अलग सब अपने आंकड़े पेश करते हैं, लेकिन जम्मू-कश्मीर की सरकार तय करेगी, तब आगे जाकर, उनके कहने पर जैसे वे बतायेंगे, तब हम आगे उसकी बात करेंगे। पंडित जवाहर लाल नेहरू जी ने उस समय अगर यह रियासत सरदार वल्लभ भाई पटेल जी को दे दी होती, जिन्होंने पूरी 565 रियासतें जोड़ीं और एक माला की तरह उसे पिरोकर रख दिया, पूरा हिंदुस्तान एक कर दिया। अगर उसी समय जम्मू-कश्मीर भी उनको दे दिया होता, तो यह अकेला, अलग-थलग नहीं रहता। आज कोई भी कार्य करने से पहले सोचते है कि वह जम्मू-कश्मीर पर लागू हो या नहीं होगा।

मैं आज इस बिल का समर्थन करने के लिए यहां खड़ी हुई हूं। क्योंकि मैं खुद जम्मू-कश्मीर की हूं, इसलिए मैंने सोचा है कि इसमें दो शब्द जरूर कहूंगी। मैं यह जरूर कहूंगी कि

"कुछ नशा भारत माता की आन का है,
कुछ नशा तिरंगे की शान का है,
किसी भी हाल में जीतनी है हमें यह जंग,
क्योंकि सवाल राष्ट्रीय स्वाभिमान का है।"

मैं इस बिल का पुनः समर्थन करती हूं और बधाई देती हूं कि आप जम्मू-कश्मीर के हित के लिए यह कार्य लाए हैं, मैं पहले भी बोल चुकी हूं, जो रिफ्यूजी भाई हैं, चाहे वे ओबीसीज हैं या चाहे एससीज हैं, किसी को भी हमारी चलने वाली योजना का बेनेफिट नहीं मिलता है, लेकिन इस बिल के आ जाने से सभी को उसका फायदा मिलेगा।

मैं एक बार फिर इस बिल का समर्थन करते हुए अपनी बात को समाप्त करती हूं, जयहिंद, जयभारत।

SHRI ASADUDDIN OWAISI (HYDERABAD): Sir, may I remind the hon. Minister, through you, what was stated by Shri Gulzarilal Nanda, the then Union Home Minister in Lok Sabha on the 4th December, 1964? He has said:

> "The only way of taking the Constitution of India into J&K is through application of article 370. It is a tunnel. It is through this tunnel that a good deal of traffic has already passed and more will. What happened is that, only the shell is there. Article 370, whether you keep it or not has been completely emptied of its contents and nothing has been left in it."

Sir, we have seen what has happened in J&K. It is historical fact that J&K acceded to India in unique circumstances. It is a unique State. My charge against this Government is that you are creating trouble in J&K by ensuring that this Bill which you are going to pass with brute majority, by imposing and having it implemented in J&K. You are violating article 370. What is the result of what Shri Gulzarilal Nanda said in 1964? What is the result that we have got now? The polling percentage is six. What is the face we have now? It is seven per cent of the polling percentage that we get in a by-election and then we are forced to postpone the election. The Government is badly exposed by saying that we did not want the Election Commission to hold the elections. Why do you want to do this? You are in power over there.

The J&K State Assembly can pass its own Statistics (Amendment) Bill. They have done the Right to Education Bill and other legislation. Why is this Government in a hurry? By doing this you are weakening article 370. We know for a fact that legislative power of Parliament, as far as Jammu and Kashmir is concerned, is limited to foreign affairs, defence and telecommunication. Whenever we have gone to Jammu and Kashmir as part of an all-Party delegation, the first thing people tell us – last time I was part of the all-Party meeting – is that you have diluted and eroded article 370. You are doing the same thing. What is the legal basis of this? Why are you unnecessarily testing waters over there? There is

so much of alienation over there. Passing this Bill can give you sadistic pleasure. But will you be successful in Jammu and Kashmir? I doubt that.

Coming to other issues, look at the utilisation of budget by his own Ministry. It is minus 32.4 per cent. During 2016-17, Rs. 4,753 crore was the allocation. Actual expenditure is only Rs. 3,212 crore. Will the Minister please tell us and enlighten us as to why could not his Ministry utilise this whole amount?

Let me come to the issue of National Sample Survey office. Since they engage contractual staff to collect data through field surveys, there is a huge variation between the survey of NSSO and that of the State Governments. So, I would like to ask the hon. Minister, through you, whether this Ministry will hold consultations with the State Governments regarding survey procedures and methodologies.

As far as vacancies are concerned, 861 posts of Statistical Officers under Subordinate Statistical Services are vacant. Why are they vacant? It is because the pay is very bad. It is because of the difficult nature of data collection work that many candidates are not inclined to join because of mismatch of language and staff. So, will this Government recommend incentives to provide better conditions?

In the North-East, there is no regional office of this Ministry in the North-Eastern States. The allocation for North-East area was Rs. 16.8 crore. This shows a decrease of 44 per cent.

Our ex-Indian captain's Aadhaar number was made public. What safeguards are you going to have? Now, you are collecting data which the Government will use. What assurance can you give to the country and to us that there will be some firewalls and that no one can break into that data and take it away?

As rightly said by Shri Tathagata Satpathy, data is the new oil. Every data is open to public. You go to Google and you can get my Aadhaar number. Now, you are getting the NSSO data. There is so much of data over there. What

protections are there? This is a digital era for sure. But we are failing in protecting our data. Thank you.

श्री थुपस्तान छेवांग (लद्दाख) : उपाध्यक्ष महोदय, मैं आपका आभार प्रकट करता हूं कि आपने मुझे इस महत्वपूर्ण अमैंडमैंट बिल पर बोलने का अवसर दिया। मैं अपनी पार्टी का भी आभारी हूं कि मुझे पहली बार किसी बिल पर बोलने का अवसर दिया गया। वक्त की पाबंदी है, इसलिए मैं एक ही पक्ष जम्मू-कश्मीर पर अपना वक्तव्य रखना चाहूंगा, क्योंकि मैं जम्मू -कश्मीर से आता हूं। यहां जितने भी वक्ताओं ने अपनी बात रखी, उन्होंने एक ऐसा संदेश देने की कोशिश की कि पूरे स्टैटस्टिक्स कनैक्शन बिल को जम्मू-कश्मीर में लागू करने जा रहे हैं, जबकि यह बिल्कुल निराधार है, ऐसा कतई नहीं है। वर्ष 2008 में इस सदन ने स्टैटस्टिक्स एक्ट पास किया। चूंकि यह जम्मू-कश्मीर में लागू नहीं होता, जम्मू-कश्मीर का विशेष स्थान है, इसलिए जम्मू-कश्मीर लेजिस्लेटिव असैम्बली ने वर्ष 2010 में अपना एक्ट पास किया जो इसी का रैप्लिका है। यहां जो संशय बनाने की कोशिश हो रही है कि पूरा स्टैटस्टिक्स एक्ट जम्मू-कश्मीर में लागू करने की बात है, यह बिल्कुल नहीं है।

In the Statement of Objects and Reasons it is said that the Jammu and Kashmir Collection of Statistics Act, 2010 enacted by the Jammu and Kashmir Legislature extends to the State of Jammu and Kashmir. In paragraph 3, it says that the Collection of Statistics Act, 2008 and the Jammu and Kashmir Collection of Statistics Act, 2010, do not cover the matters specified in List 1, that is the Union List, in the Seventh Schedule to the Constitution as applicable to Jammu and Kashmir under the Constitution (Application to Jammu and Kashmir) Order, 1954.

The Central law is not applicable to matters specified in List III (Concurrent List) as applicable to the State of Jammu and Kashmir. Thus, there is a legislative vacuum in respect of the statistical matters in the Union List or Concurrent List applicable to Jammu and Kashmir. उस लेजिस्लेटिव वैक्यूम को हटाने के लिए इस अमेंडमेंट को लाया गया है। अभी मेरे साथी ओवैसी जी कह रहे थे, आर्टिकल 370 को विड आऊट करने की बात कर रहे थे, कि यह उसकी तरफ एक कदम है। जम्मू-कश्मीर के समाचार पत्रों यह छप रहा है, तरह-तरह के स्टेटमेंट दिए जा रहे हैं कि 370 को डायलूट कर रहे है, इस बिल को प्रस्तुत करने के बाद ऐसी चर्चाएं हो रही हैं जोकि बिल्कुल ही निराधार है।

हम जानते हैं कि जो एक्ट यहां पास होता है, वह जम्मू-कश्मीर में लागू नहीं होता है। कुछ ऐसे विषय हैं, जैसे डिफेंस, एक्सटर्नल अफेयर्स, उस विषय पर जम्मू-कश्मीर की असेंबली में भी कानून नहीं बना सकती। जो दो कानून बने हैं, एक स्टेट का कानून है और एक केन्द्र का कानून है, उसमें कुछ ऐसे विषय हैं जो छूट गए हैं, इसलिए उस लेजिस्लेटिव वैक्यूम को खत्म करने के लिए उन विषयों पर जहां राज्य सरकार कानून नहीं बना सकती क्योंकि जम्मू कश्मीर में सेंट्रल एक्ट लागू नहीं है। उनका अपना एक्ट लागू होता है। जम्मू-कश्मीर की असेंबली को स्टेटिक्स इकट्ठा करने का अधिकार नहीं है और सेंटर वहां एक्सटेंड नहीं कर सकता है, इसलिए वह छूट गया है इसलिए उस लेजिस्लेटिव वैक्यूम को खत्म करने के लिए इस बिल को लाया गया है।

जहां तक मेरी समझ है, वह यही है। जब मंत्री जी उत्तर देंगे तो इसका पूरी तरह से निराकरण करेंगे। अभी जम्मू-कश्मीर का जिक्र हुआ, मेरे साथी जुगल किशोर जी, जो जम्मू से सांसद हैं, उन्होंने बताया कि जम्मू-कश्मीर एक विशेष स्थान रखता है, जम्मू-कश्मीर स्पेशल कैटिगरी स्टेट में आता है, जिसकी वजह से वहां के लिए जो भी फंड मुहैया कराई जाती है, वह 90-10 के रेशियो में मुहैया कराई जाती है, केन्द्र से फंड जाता है। कोई भी फंड जम्मू-कश्मीर से नहीं आता है। क्या यही वजह है कि जम्मू-कश्मीर आज आर्थिक दृष्टि से पिछड़ा हुआ है। जम्मू के सांसद जुगल किशोर जी ने कहा, जम्मू-कश्मीर में जो हालत बना हुआ है, जम्मू-कश्मीर को एक विशेष स्टेटस दिया गया है, वहां अलग से एक संविधान है, वहां एक अलग व्यवस्था कायम की गई है जो जम्मू-कश्मीर के तीन क्षेत्रों में से सिर्फ एक क्षेत्र की समस्या को एड्रेस करती है। यही कारण है कि पिछले कई दशकों से पाकिस्तान की शह पर जम्मू-कश्मीर की हालत में सुधार नहीं हो पा रहा है। इसके बावजूद सेंटर की तरफ से पूरी मदद दी जा रही है, तब भी हालत नहीं सुधर रही है।

जम्मू-कश्मीर के दो हिस्से हैं, लद्दाख और जम्मू, आप सुन लीजिए। जम्मू-लद्दाख में किसी तरह की हिंसा नहीं है, वहां टेररिज्म नहीं है, वहां आर्थिक दृष्टि से उन्नति हो सकती है, क्यों नहीं उन्नति हो रही है? सिर्फ इसी करण से नहीं हो रही है कि जम्मू-कश्मीर के लिए जो व्यवस्था बनी है वह सिर्फ वादिये कश्मीर को एड्रेस करती है। लद्दाख की समस्या को एड्रेस नहीं करती है, जम्मू को एड्रेस नहीं करती है।

मैं इस बिल के माध्यम से साथी सांसद को कहना चाहता हूं कि क्या कारण है कि संसद जो पूरे भारत को रिप्रेजेंट करता है, यहां का कानून जम्मू-कश्मीर में लागू न हो। अब वक्त आ गया है कि आर्टिकल 370 को हटाना चाहिए। जम्मू-कश्मीर से सिर्फ कश्मीर वादी की मुराद नहीं है। अगर आप एरिया की दृष्टि से देखें या जनसंख्या की दृष्टि से देखें, जम्मू और लद्दाख को मिला लें तो यह कई गुणा है। आज जिस तरह की व्यवस्था जम्मू-कश्मीर में चल रही है, इसकी वजह से जम्मू और लद्दाख के लोगों को सेंकड क्लास

सिटीजन का ट्रीटमेंट मिलता है। फंड के आबंटन में भी यही होता है। पॉलिटिकल रिप्रेजेंटेशन में भी उन्हें इग्नोर किया जाता है। यही कारण है कि हम लद्दाख के लोग यूनियन टेरिटरी की मांग करते हैं, हम जम्मू-कश्मीर का हिस्सा नहीं रहना चाहते हैं। जम्मू में अलग स्टेट की बात हो रही है। अब वक्त आ गया है कि भारत सरकार इस पर सोचें, अगर जम्मू-कश्मीर को ठीक करना है, कश्मीर के लोग आजादी मांगते हैं। आप जैसे लोगों को समझना चाहिए, जिस तरह का ट्रीटमेंट जम्मू और लद्दाख को मिल रहा है, जम्मू-कश्मीर के अलगावादी हैं, जो भारत के खिलाफ नारे लगाते हैं, उकसाते हैं और पाकिस्तान की शह पर हिंसा करते हैं, उन्हें आप इज्जत देते हैं। उन्हें आप फाइव स्टार ट्रीटमैंट देते हैं, सुरक्षा देते हैं, लेकिन उसके बावजूद भी वे वहां भारत के खिलाफ बातें करते हैं। आप उन्हें इज्जत देते हैं, उनके इंटरेस्ट को सुरक्षा देते हैं। लद्दाख में रहने वाले जो राष्ट्रवादी लोग हैं, उनके इंटरेस्ट को दबाया जाता है। मैं पूछना चाहता हूं कि यह कब तक चलेगा?

मैं इस बिल के जरिये प्रार्थना करना चाहता हूं। ...(व्यवधान) स्पेशल पैकेज भी कश्मीर के लिए जाता है। वह जम्मू-लद्दाख में नहीं आता। रिक्रूटमैंट ड्राइव में भी आतंकवाद से जुड़े हुए नौजवानों को नौकरी दी जाती है। लद्दाख-जम्मू में काफी अनइम्प्लायमैंट है, लेकिन वहां के नौजवानों को इम्प्लायमैंट नहीं दिया जाता।

मान्यवर, मैं सदन को कहना चाहता हूं कि इस बारे में सोचा जाना चाहिए। भारत के संविधान में विशेष स्थान है और यहां का कानून वहां लागू नहीं होता, यह हम जानते हैं।

SHRI N.K. PREMACHANDRAN (KOLLAM): I am thankful to you, hon. Deputy-Speaker, for giving me an opportunity to speak on this important Bill. I would confine myself to some of the very important aspects of the Bill.

After hearing the interventions of Shri Owaisi, a cloud of confusion has been created; and I hope that the hon. Minister will clarify or clear this cloud of confusion or suspicion. If you go through the para 3 of the Statement of Objects and Reasons, it says:

> "The Collection of Statistics Act, 2008 and the Jammu and Kashmir Collection of Statistics Act, 2010, do not cover the matters specified in List I (Union List) in the Seventh Schedule to the Constitution as applicable to Jammu and Kashmir under the Constitution (Application to Jammu and Kashmir) Order,1954. "

So, the point to be clarified is this. According to the hon. Minister, this is to fill up the vacuum created due to the two Acts. The 2008 Act is the Central legislation by which matters, which are specified in the Union List and the Concurrent List, are not being dealt with. By the Jammu and Kashmir Collection of Statistics Act, 2010 also, the matters specified in the Concurrent List and the matters specified in the Union List are not being dealt with.

So, according to the Government, this Bill is being piloted in order to fill up the vacuum because these two Acts are not dealing with the matters. So, the pertinent question, which has been raised by the hon. Member, Shri Owaisi is that article 370 is there, and this para also very clearly says: "The Jammu and Kashmir Collection of Statistics Act do not cover the matters." That means, the Jammu and Kashmir Assembly is having ample authority and power to legislate on matters specified in the Union List and Concurrent List related to Jammu and Kashmir... (*Interruptions*) That is why I am seeking clarification from the hon. Minister.

Sir, the explanation of the hon. Minister in the Statement of Objects and Reasons is that the Jammu and Kashmir Collection of Statistics Act, 2010 does not cover the matters specified in the Union List and the Concurrent List. So, I am seeking clarification form the hon. Minister that if the Jammu and Kashmir State

Assembly is having the authority and legislative competence to enact on these issues, then here it would definitely be the violation of article 370 of the Constitution, infringement of the right of the people of Jammu and Kashmir and of the Jammu and Kashmir Assembly. This is a very important matter, which has been raised in this august House.

Sir, now I am on a different point. I am bringing a very pertinent fact to the notice of the House. If you go through the Objects and Reasons of the Bill, it says that it is to fill up the legislative vacuum. Here, I am bringing the attention of the hon. Deputy-Speaker to this matter. Section 9(1) is to be amended. What is Section 9(1)? It says that 'any information furnished to the statistics officer or to any person or agencies authorized under this Act shall only be used for statistical purposes.'

Here, the Government proposes to amend Section 9(1). What is the substituting Section? The new Section is:

> "The statistics officer or any person or agencies authorized under this Act shall, for statistical purposes, use any information furnished under section 6 in such matter as may be prescribed."

That means the existing Clause 9(1) is a mandatory provision by which this statistical information can only be used for the statistical purposes by the Ministries concerned or by the departments concerned. The Government of India is getting ample powers so as to use this information. It is because the Government of India will be making a provision. That means, rule making provision is with the Government of India so that they can use this information for some other purposes also. Kindly see, Sir, the words used are: "Any information furnished to the statistics officer or to any person or agencies authorised under this Act shall only be used for statistical purposes." So, the Government wants to dilute it. What is the purpose of it?

A new Clause has to be added that is 'the manner of use of information' under Sub-Section (1) of 'Section 9'. There also the power is vested with the

Central Government to make the rules and make the procedure by which this mandatory provision is being diluted. It means, the transparency and accountability is under question. This can be done only after the publication in the Official Gazette. That is also being amended. Here, Section 33 is being amended. By amending Section 33 of the existing Act, it need not be published in the Official Gazette. Only a pre-publication is required. It can be done even in a newspaper or in a weekly. Even if it is published on a notice board, it is okay. A conditional publication is there. So, the Official Gazette publication is being omitted.

I would like to know from the hon. Minister as to what is the purpose of avoiding the Official Gazette publication. Is it for transparency? Is it for accountability? Only putting it on the notice board is sufficient to have the publication. Regarding the other issue of Section 9(1), why is it being amended? Is it just because to give more powers to the Central Government? I have also asked clarifications about the Constitution.

With these questions, I am concluding my speech. Thank you very much, Sir.

THE MINISTER OF STATISTICS AND PROGRAMME IMPLEMENTATION (SHRI D.V. SADANANDA GOWDA): Hon. Deputy Chairman, Sir, as rightly stated by Premachandran ji, this Bill is introduced to fill up the legislative vacuum. The Collection of the Statistics Act, 2008, as of now, has been extended to the whole of India except the State of Jammu and Kashmir. Similarly, the Jammu and Kashmir Collection of Statistics Act, 2010, as passed by Jammu and Kashmir, applies only to the State of Jammu and Kashmir. There are certain areas which are neither covered under the Concurrent List nor under the List-I. Therefore, there is a need of an Act to cover those areas.

There is another important question raised by Shri Owaisi: – Is it not a violation of Article 370 of the Constitution? I do not want to traverse in detail as far as Article 370 of the Constitution is concerned. If there is any area which is in the larger interest of the Centre and the State and which does not affect the individual rights of the citizens, certainly, the Central Government needs to encroach upon that area and do the needful things. This is not the only legislation which has been taking place. There are other enactments like the Census Act, 1948 which has been enacted in 1959, thereby, the areas of operation of that Act have been extended to Jammu; and Kashmir and the Registration of Births and Deaths Act, 1969 has been subsequently enacted. Similarly, this is also one of the important areas where plans, programmes, developments and other things need to be taken care of. The State of Jammu and Kashmir is an integral part of our country and the developments and other things of that area need to be taken care of by the Central Government. Under such circumstances, in the larger interest of the people of Jammu and Kashmir and getting a real-time data, this has been extended to the State of Jammu and Kashmir. It will certainly not violate Article 370 of the Constitution as has been stated by my learned friend.

Sir, I will not take much of your time of time. Two or three important issues have been raised by the hon. Members. I thank all the Members who have

participated in the debate on this Bill and for giving valuable suggestions, observations and raising certain concerns.

Two important issues have been raised. One issue raised was whether all the stakeholders have been taken on board, that is, whether the consultation process was done in a proper manner. The Bill at the initial stage was put in the public domain. For three months, we received suggestions. Subsequently, it was circulated among the Ministries and other Departments. After getting suggestions, we have once again circulated it to various Ministries.

Before we decided to introduce the Bill in the House, a Cabinet Note containing the amendment proposal was sent to the Government of Jammu and Kashmir. Had we received a reply from the Jammu and Kashmir Legislature, then this would not have arisen. No reply has come from the Legislature of Jammu and Kashmir. So, we are forced to do this.

One of the important issues that have been raised is with regard to amendment to Section 9 (1), that is, whether right to privacy is protected in respect of data collection. Almost all the Members who spoke on that issue referred to Aadhaar and they said all these things. I would like to place on record that the guidelines, that is, the Fundamental Principles of Official Statistics of United Nations need to be followed as far as collection of data and other things are concerned. It is recognized that the official statistics are public goods and they must comply with certain basic principles such as professional independence, impartiality, accountability and transparency about methods of collection, compilation and dissemination of statistics. These principles are enshrined in the United Nations Fundamental Principles and after a Cabinet decision, we are following it. On that basis, we are taking up all these issues.

Another important issue that has been raised is with regard to how the secrecy will be maintained. I would like to draw the attention of the Members who took up that issue to the fact that there are stringent provisions on restriction given under the Act on data collection. In nutshell, I would like to draw the

attention of the House to Section 9 (2) (3) and (4), Section 11 and Section 14 (a) and (b). Section 9 (2) says that no person other than a person engaged in the work of data collection shall be permitted to see any information collected. Section 9 (3) says that no information collected and no answer to any question asked shall, except for the purpose of a prosecution under the Act, be separately published or disclosed without suppressing the identification of data providers. Section 9 (4) says that all statistical data published shall be arranged in such a manner so as to prevent any particulars becoming identifiable as the particulars relating to a data provider who supplied it, even through the process of elimination unless the data provider has consented to the publication in that manner. Section 10 says that Appropriate Government may disclose data in respect of which such disclosure is consented to in writing by the data provider or data is otherwise available to the public under any Act as a public document or data in the form of an index or list of the names and addresses of data providers together with the classification, if any, allotted to them and the number of persons engaged.

Sir, there is one more important Section, that is Section 11. Section 11 says that the appropriate Government may disclose individual data for *bona fide* research or statistical purposes. Section 14 (a) says that no data obtained pursuant to the Act and no copy of the data in the possession of any data provider shall be disclosed or used as an evidence in any proceedings.

Sir, so many procedures are given. The rules made under the Act also provide adequate safeguards.

18.00 hours

For example, rule 13 provides for restrictions on personal information. All this will stand. No amendment is proposed for all these sections, particularly from section 9 and also from other sections. Nobody should have any apprehension about protecting the confidentiality whether it is aadhaar card data or any other data which identify a person cannot disclose under this Act along with other data collections. So, these are the stringent provisions in the Act. For these sections,

we have not brought any amendment. So, that still stands. So, there will be confidentiality.

HON. DEPUTY SPEAKER: Now, it is six 'o' clock. If the House agrees, we will extend the time of the House till the Minister's reply and passing of the Bill are over.

SHRI K.C. VENUGOPAL (ALAPPUZHA): How much time will he take Sir?

HON. DEPUTY SPEAKER: Only two or three minutes more.

SHRI D.V. SADANANDA GOWDA: I will take five minutes.

Coming back to Shri Premachandran's statement, that is amendment to Section 9(1), use of data for statistical purposes remains intact. The only change is to make an enabling provision to lay down the manner in which it has to be exercised through rules. Only through rules, it has to be done. This being a matter of technical detail it cannot be specified in the Act. As it is a matter in technical detail, it cannot be specified in the Act. Hence, this amendment has been brought. It does not give any arbitrary power to the Government.

A fundamental question was raised as to how the public would come to know about the decision of the Government to collect any statistics. Section 3 makes it clear. Section 3 of the Act provides for notifying the decision of the Government to collect any statistics in the official gazette.

There are several suggestions given by my hon. friends. Certainly, all the suggestions are well taken. A suggestion was made to incorporate the provision that there should be a timeframe for furnishing the data or statistics and it has to be made binding on all. Fixing a timeframe is a survey specific. It is a survey specific. It cannot be fixed that this survey should be completed within such a period. It may not be possible as data may be collected from individuals or business on different subjects and situations.

Section 5 of the Act provides for specifying such details by statistical officer. Section 4 of the Act lays down that the timeframe for data collection may be specified by appropriate Government or statistical officer.

There were suggestions about NSSO's surveys also, particularly, periodicity. In particular, it was suggested that the survey on employment, unemployment may be more frequent. I would like to inform the august House that the NSSO has been conducting surveys on many subjects from time to time. Service sector is presently being surveyed by NSSO on its 74th round, that is 2016-17. Household consumer expenditure will be surveyed by NSSO on its 75th round, that is 2017-18. NSSO conducts surveys on agriculture acreage and yield in every agriculture season and provides data to the Ministry of Agriculture. Besides, it also conducts survey on situation assessment of farmers periodically. The suggestion to have more frequent data on employment and unemployment characteristic is a welcome suggestion. I am proud to inform this august House that the Government has decided to launch periodic labour survey in 2017-18 to measure the employment and unemployment characteristics at every quarter and annually. So, we will have quarterly employment data as soon as the survey methodology stabilizes. This Bill will facilitate that the Government in organizing data collection under the provisions of the principal Act throughout the country including Jammu and Kashmir. It will also strengthen data collections.

Hon. Deputy Speaker, Sir, I do not want to take much time of the House. Today, we all know that the statistical thinking has become indispensable for all efficient planning and administration. At the national level, NSSO of my ministry is responsible for the conduct of large scale sample survey in diverse fields. In States, at the apex level, the Directorate of Economics and Statistics is responsible for coordination of statistical activities in the State as well as for liaising with the Centre.

There should be close coordination between the State and the Centre. It is necessary to get the real time data. At present, except the State of Jammu and Kashmir, the principal Act is applicable to all other States in the country in the collection of statistical data. Hence, the jurisdiction of the principal Act needs to be extended to the State of Jammu and Kashmir also. The Bill will facilitate the

Government in organizing statutory data collection under the provisions of the principal Act throughout the country including the State of Jammu and Kashmir. Certainly, it will strengthen the data collection mechanism. So, I appeal to the hon. Members through you Sir, that the Bill may be considered and passed by this august House.

HON. DEPUTY SPEAKER: The question is:

"That the Bill to amend the Collection of Statistics Act, 2008, be taken into consideration."

The motion was adopted.

HON. DEPUTY SPEAKER: The House will now take up clause-by-clause consideration of the Bill.

Clause 2 Amendment of Section 1

HON. DEPUTY SPEAKER: Shri N.K. Premachandran, are you moving your Amendment No.1 to clause 2?

SHRI N.K. PREMACHANDRAN (KOLLAM): Sir, since the hon. Minister has given a convincing answer, I am not moving my amendment.

HON. DEPUTY SPEAKER: The question is:

"That clause 2 stands part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.
Clauses 3 and 4 were added to the Bill.

Clause 5 Amendment of Section 9

HON. DEPUTY SPEAKER: Shri Rajeev Shankarrao Satav – Not present.

The question is:

"That clause 5 stands part of the Bill."

The motion was adopted.

Clause 5 was added to the Bill.

Clause 6 was added to the Bill.

Clause 1, the Enacting Formula and the Long Title were added to the Bill.

HON. DEPUTY SPEAKER: The hon. Minister may now move that the Bill be passed.

SHRI D.V. SADANANDA GOWDA: Sir, I beg to move:

"That the Bill be passed."

HON. DEPUTY SPEAKER: The question is:

"That the Bill be passed."

The motion was adopted.

HON. DEPUTY SPEAKER: The House stands adjourned to meet on Wednesday, the 12th April, 2017 at 11.00 a.m.

18.07 hours

The Lok Sabha then adjourned till Eleven of the Clock on Wednesday, April 12, 2017/ Chaitra 22, 1939 (Saka)

Rajya Sabha debate on 26-7-2017 on COS Amend Bill, 2017

SHRI MUKHTAR ABBAS NAQVI: Sir, there is no problem from our side. But, I will check the availability of the hon. Minister. If he is available, then, tomorrow is okay.

MR. DEPUTY CHAIRMAN: Then, kindly do one thing. Check-up with the Minister whether he is available tomorrow and inform in the morning, so that we will announce the time and venue in the morning at 11.00 a.m. itself. Is it okay? So, the meeting is postponed for tomorrow.

Now, Shri C.P. Narayanan.

GOVERMENT BILLs

The Collection of Statistics (Amendment) Bill, 2017 — *Contd.*

SHRI C.P. NARAYANAN: Sir, thank you very much for giving me this opportunity to speak.

Sir, the Bill and the context in which Jammu and Kashmir has been included – Shri Jairam Ramesh and others have mentioned about it – is welcome. I too had that doubt. Now that it is raised, I don't want to repeat again.

Collecting data, statistics and appointment of nodal officers are good. During the last two years, different Ministers, on different occasions, have said that it is not possible to get up-to-date data from various sources. In different offices if there are nodal officers who collect data and collection of data will be much better and it helps in getting reliable data. In this context, I wish to say something about data and statistics. In the recent past we have been hearing corporate leaders saying that 'data is like oil.' It means they want data. We have been expressing fear in other contexts that Government data, whether it is Aadhaar or other things, as far as we are concerned, is only an individual data. But, for corporate, it is collective data which they can use for other purposes — to increase their profit and to accrue new wealth. So, collection of data and keeping it are very important. This is one.

We have had the experience of developing statistics on the basis of data. We have the experience of how GDP growth rate has been calculated. The UPA Government had calculated it in one way and when the NDA Government came to office the very same

[Shri C.P. Narayanan]

data was used for different purposes. I was a student of statistics. So, I know this. Sir, when denominator changes, the entire statistics will change. Sir, then GDP of a particular year may look different. It is only when you put it as a series you can understand how this year's GDP rate can be compared with other years. So, if you don't follow data and statistics scientifically and if you don't put across the total statistics together, we can come to different conclusions. So, in the context of collection of data and preparation of statistics, to be true to people, we have to deal with it scientifically. I just wish to remind the hon. Minister that this also has to be kept in mind. Thank you.

श्रीमती सरोजिनी हेम्ब्रम (ओडिशा): उपसभापति जी, आपने मुझे इस विधेयक पर बोलने का मौका दिया, इसके लिए मैं आपका धन्यवाद अदा करती हूं। महोदय, माननीय मंत्री जी द्वारा लाए गए इस विधेयक द्वारा सांख्यिकीय संग्रहण अधिनियम, 2008 में संशोधन किया गया है, इसके लिए मैं उनका भी धन्यवाद अदा करती हूं।

सर, भारत में statistics की accuracy और सटीकता के मामले में हम अभी भी विकसित देशों से काफी पीछे हैं और इस में अभी काफी सुधार की गुंजाइश है। सर, हमारे statistical data को geographical system के साथ merge करना चाहिए, ताकि हम देश के किसी भी भौगोलिक क्षेत्र का real time data acquire कर सकते हैं। सर, इस विधेयक के उद्देश्य और कारणों में कहा गया है कि Collection of Statistics Act, 2008 को सरल बनाकर राज्य और स्थानीय सरकार द्वारा आर्थिक, सामाजिक, वैज्ञानिक और पर्यावरणीय विषयों पर Statistics संग्रहण को आसान बनाने के लिए विधेयक अत्यंत महत्वपूर्ण है। सर, इस विधेयक का जम्मू और कश्मीर तक विस्तार करने का प्रावधान किया जा रहा है। जम्मू और कश्मीर देश का एक अभिन्न अंग है, लेकिन संविधान के अनुसार उसे विशेष दर्जा मिला हुआ है। यह विधेयक पारित होने से उस राज्य की नागरिकता, बैंकिंग, लेबर, फॉरेस्ट आदि अंतर्मुक्त होंगे और state का development भी होगा।

सर, जो शंकाएं जयराम रमेश जी ने यहां उठाई हैं, मैं उनसे सहमत हूं और इस हिसाब से वहां की सरकार की सहमति के बिना यह बिल पारित करना ठीक नहीं होगा। मैं माननीय मंत्री जी से आग्रह करूंगी कि वे इस बारे में भी बताएं और इस अमेंडमेंट बिल में जो nodal officer का प्रावधान है, सूचना और Statistics संग्रहण करना और information को secure रखने को सुनिश्चित करने के लिए केन्द्र या राज्य सरकार nodal officer को नियुक्त करेंगे, यह प्रोविजन में बहत ही जरूरी है।

आज के समय में किसी भी policy making के लिए Statistics और सटीक Statistics की आवश्यकता होती है, इसीलिए हमें इस पर काम करना चाहिए। जो भी data या information और statistics सरकार उपलब्ध कराती है और collect करती है, उसे secure रखने के लिए ठोस कदम उठाने चाहिए।

सर, data और information security अत्यंत महत्वपूर्ण हैं। इनके promotion के लिए सर्वोच्च प्राथमिकता दी जानी चाहिए। इस बिल को लेकर चिंता की सिर्फ एक ही बात है कि इसमें यह प्रावधान

किया जा रहा है कि सरकार जरूरत के मुताबिक Statistics का इस्तेमाल इस उद्देश्य के लिए कर सकती है, तो इस पर बहुत ही सतर्कता बरतने की जरूरत है, क्योंकि हमने कई बार देखा और सुना है कि data का दुरुपयोग भी होता है और साइबर में Statistics की privacy को सुरक्षित रखना एक बहुत बड़ा challenge है। इसको रोकने के लिए हमको साइबर सिक्योरिटी नियम एवं डेटा सिक्योरिटी नियम time to time up-to-date करने चाहिए। मैं फिर से यह मांग करती हूं कि सरकार को ऐसी सख्त व्यवस्था करनी चाहिए, जिसमें यह सुनिश्चित हो कि सरकार द्वारा एकत्रित डेटा का कोई दुरुपयोग न करे और व्यक्ति विशेष की गोपनीयता का हनन न हो, क्योंकि यह हमारा मौलिक अधिकार है। इस बारे में गंभीरता से विचार किया जाना चाहिए, मैं इस बिल का समर्थन करते हुए, मंत्री महोदय को धन्यवाद देती हूं, धन्यवाद।

SHRI V. VIJAYASAI REDDY (Andhra Pradesh): Thank you, Mr. Deputy Chairman, Sir, for having given me this opportunity. Shri Jairam Ramesh has raised a very valid point. I too have got the same doubt. Therefore, I have carefully perused the Jammu and Kashmir Statistics Act, which had been enacted in 2010, to find out the jurisdiction. In fact, perusal of that particular Act reveals that that Act extensively deals with the subjects that are concerned to that particular State. It does not deal with the subjects that are there under the Union List. Whereas, if we come to this Bill, it says that it extends to the whole of India, including Jammu and Kashmir. So, it deals with not only the Union subjects, but also the subjects that have been dealt with under the Jammu and Kashmir Statistics Act. I hope, the hon. Minister will clarify this point. Sir, there are certain differences between the original Act and these amendments. These amendments are, definitely, laudable. It extends the jurisdiction by including Jammu and Kashmir. The Bill provides for appointment of nodal officers by the State Government and the Central Government. These nodal officers will coordinate and supervise the statistical activities.

The third point, which is very important point, is the use of information. The 2008 Act provides that the information collected under it can be used only for statistical purposes. This was as per the original enactment. Now, in this present amendment Bill, this provision has been removed. It allows the Central Government to determine the manner in which such information collected will be used. It means that the Central Government is going to be vested with the extensive power of using this information as it may deem fit. Sir, I would like to give an example. Through you, Sir, I would like to bring to the notice of the hon. Minister that after the present Government came to power, it has coilected the data, insofaras caste and religion are concerned, of the citizens of India but that data has not been made public for various reasons. Similarly, some of the State Governments

[Shri V. Vijayasai Reddy]

including the Government of Telangana, which declared one day as a holiday for collecting extensive information and statistics from all the persons who are residing in Telangana, have not made that data public. The Andhra Pradesh Government has also been doing the same exercise. So, my concern is, be it the Central Government or the State Governments which have been collecting the data, whether they would utilise the data for the right purposes or not. Whichever party is in power, there is every possibility that the party in power may misuse that information. Therefore, that has to be taken care of. Sir, there are only three issues. I will not take much time. I will take only three minutes.

MR. DEPUTY CHAIRMAN: No, no. Already, three minutes हो गया।

SHRI V. VIJAYASAI REDDY: Sir, this is only an introduction.

MR. DEPUTY CHAIRMAN: You have only two minutes. Four minutes have been allocated and two Members are there to speak.

SHRIV. VIJAYASAI REDDY: Sir, this will, definitely, improve the quality of statistics.

MR. DEPUTY CHAIRMAN: Please conclude in one minute.

SHRI V. VIJAYASAI REDDY: Sir, I will conclude in one minute. Then, Sir, the next point is improvement of the quality of statistical data collected in India. Here, I would like to bring to your notice one very important issue. Over the years, there have been concerns regarding the economic and demographic statistics collected in India. I hope this Amendment Bill will improve the quality of statistics that are going to be collected. For example, for calculating GDP, as Shri C.P. Narayanan has rightly pointed out, there are various methods, like value added method and, then, expenditure method, etc. For each method, the Central Statistical Organisation itself has given different figures. There are certain discrepancies when they really go for different methods and all. Therefore, the quality of information that is going to be collected is very important. Here, the' nodal officers can play a very crucial role. There are wide discrepancies. ...*(Time-bell rings)*... I am concluding, Sir.

Therefore, we need to improve the quality of data collected and there should be coordination among various agencies.

The next point is shortage of human resources. The National Sample Survey Office is facing a shortage of investigators for conducting the surveys. The Field Operation Division of the NSSO, which is responsible primarily for collecting the data has around 24 per cent of the positions vacant for the post of Junior and Senior Statistical Officers. I hope the Government of India will fill up those posts.

MR. DEPUTY CHAIRMAN: Okay. That is all.

SHRI V. VIJAYASAI REDDY: Sir, the last point is the need for privacy of data. That is very, very important. I hope the hon. Minister will understand this. I hope the party in power, whether at the Centre or in the States, will not misuse the information. Sir, the privacy of data is very important. Thank you.

SHRI D. RAJA (Tamil Nadu): Sir, as per the Statement of Objects and Reasons, the amendments proposed in the Bill seek to extend the Statistics Act, 2008 to the State of Jammu and Kashmir. This is number one. Number two, to empower the Central Government and State Government to designate one of its officers as nodal officer to coordinate and supervise the statistical activities and to exercise such other powers and perform such other duties as may be made by rules. These are two purposes of this Bill. The way the Minister presented the Bill, it appears very simple and positive. Sir, I do not undermine the collection of statistics. In my college, when I studied Mathematics, Statistics was an allied subject. I understand the importance of statistics. But the point here is not just statistics. The political context is very much important. There, I agree with our beloved friend, Shri Jairam Ramesh, when he raised many Constitutional issues. There is Article 370 which is part of our Constitution. Article 370 is part of our Constitution. I want that this legislation should be in accordance with that Article 370 within the parameter of our own Constitution. In this context, I would like to ask the Minister whether there was any engagement with the State Government of Jammu and Kashmir, and the State Government of Jammu and Kashmir is a coalition Government of both BJP and PDP. Did you engage that Government in the whole exercise of drafting this legislation and now bringing it to the Parliament? If you can make it clear, that would be better because Kashmir is passing through a turmoil, political turmoil, and we are yet to discuss the Kashmir situation in Parliament, and the current situation in Parliament. We are yet to come out with appropriate solutions to the ongoing turbulent situation in Jammu and Kashmir. In such a situation, I would like to ask the Minister, did you really

[Shri D. Raja]

engage with the State Government? What is their position? What is their stand on this legislation? Do they agree or they have some reservations? You please tell us. This is exactly what Mr. Jairam Ramesh was also asking. Nobody is questioning the collection of statistics. But when we bring a legislation, that legislation should be proper and it should be in accordance with the Constitutional provisions. So, how is it in accordance with Article 370 and with the endorsement of Jammu and Kashmir Government? What was your engagement with Jammu and Kashmir Government? The Minister will have to clarify these things before the House passes this legislation. Thank you, Sir.

SHRI K. RAHMAN KHAN (Karnataka): Hon. Deputy Chairman, Sir, I only supplement what my colleague, Shri Jairam Ramesh, has said. The basic question is, Clause 2 of the Bill says that it extends to the whole of India. The earlier Act says, "This Act is applicable to whole of India except Jammu and Kashmir." Now, with a small proviso, you are trying to extend this Act to Jammu and Kashmir. As everybody in the House is unanimous, the consent of Jammu and Kashmir Assembly and also the Jammu and Kashmir Government is necessary. Otherwise, it affects Article 370 of the Constitution. To that extent, we are opposed to this. It is not right on the part of any one of us to meddle with Article 370 of the Constitution, and in whatever manner you want to do it, it is not correct. We sincerely request the hon. Minister please explain under what circumstances you want to do this and why you want to meddle with Article 370.

The second thing is, in this information collection, there is another significant change. The significant change is, so far, the data collected was to be used only for Government purposes; it could not be given to anybody else. Now, this Bill seeks to amend Section 9. It says, "The statistics officer or any person or agencies authorised under this Act shall, for statistical purposes, use any information furnished under section 6 in such manner as may be prescribed." Now, we do not know how the Government is going to prescribe it because sometimes the rule-making power could be misused. The Act is not clear as to how these agencies would be sharing this data, with which agency it would be shared and how they want to use it. As rightly said by most of our colleagues, the Government and political parties of the day misuse the data collected in whatever manner they wish to. Now, with this provision, we are giving power to the Government to do whatever they want by way of rules, which is not acceptable.

Sir, the third point is appointment of nodal officers. We agree that there should be nodal officers, but the powers are not defined in the Act. You should specify that the nodal officer has no other chore except liaisoning, but, if you are giving powers to any authority, it should be debated in Parliament and the powers must be defined. Powers can't be left to rules. The Government can't just make rules for giving powers to whomsoever they like.

Sir, these are the three basic objections. The nodal officer's power has to be defined in the Act. Otherwise, it could be misused. He could share the information with anybody. He could ask people to do whatever they may like. He may create problems too. So, the powers of the nodal officer must be defined in the Act. Details of the information sharing agency, to whom it is being shared and for what purpose the information is shared, all should be there. Which are the agencies you want to share information with? Are they foreign agencies, some other agencies, or your own agencies? This is not defined.

Then, Sir, as far as Article 370 is concerned, in my opinion, when Jammu and Kashmir has a parallel Act, these provisions should be included in that Act also. With this, I thank you for giving me the opportunity.

डा. विकास महात्मे (महाराष्ट्र): माननीय डिप्टी चेयरमैन सर, हम सब जानते हैं कि collection of statistical data या statistics देश के लिए बहुत जरूरी होता है, क्योंकि statistics के आधार पर ही हम planning कर सकते हैं। अगर हम अपने development की speed भी बढ़ाना चाहते हैं, तो हमें evidence based policy making करनी चाहिए। हम जो evidence based policy making करना चाहते हैं या वस्तुनिष्ठ नीतियां अपनाना चाहते हैं, उसके लिए statistics बहुत जरूरी है। यह चुनौतियां जानने के लिए जरूरी है, चुनौतियां समझने के लिए जरूरी है, नीति बनाने के लिए जरूरी है और उसे कार्यान्वित करने के लिए भी बहुत जरूरी है। यह सब आखिर में good governance में ही आता है,जो कि सरकार की नीति है। इसमें जम्मू और कश्मीर integrate हो रहा है, यह बहुत अच्छी बात है। This Ministry has taken many steps for improving the process of data collection previously also. इसमें कुछ कठिनाइयाँ आ रही हैं, इसलिए यह विधेयक लाया गया है। मैं मानता हूं कि इस विधेयक से ये कठिनाइयां दूर होंगी। पहले Collection of Statistics Act, 2008 को लागू किया गया, उसके बाद जम्मू-कश्मीर में 2010 में फिर से Collection of Statistics Act पारित किया गया, which did not cover matters specified in List I or the Union List in the Seventh Schedule of the Constitution as applicable to Jammu and Kashmir. इस शैड्यूल, as specified in Union List-1, जो भी प्रावधान हैं, वे जम्मू-कश्मीर के 2010 के ऐक्ट के तहत नहीं आते थे और मुझे लगता है कि इस नये कानून या नये निधान के अंदर इसका प्रावधान किया हुआ है। मुझे लगता है कि यह जम्मू-कश्मीर पर भी लागू होना चाहिए, क्योंकि हम जानते हैं कि जम्मू-कश्मीर की परिस्थिति गंभीर है। डेटा कलेक्शन से, data analysis से ही हम वहां की गंभीर परिस्थिति को सुधार सकते हैं, क्योंकि वहां की परिस्थिति को देखते हुए कौन सी नीतियां अपनानी हैं, यह तय करने के लिए डेटा का होना बहुत जरूरी होगा।

[डा. विकास महात्मे]

जम्मू और कश्मीर में लागू होने से यह पूरे देश में भी लागू होगा। इससे पहले भी, 271 के तहत बाकी राज्यों में कुछ-कुछ कानून नहीं लगाए जाते हैं, ऐसा बताया गया है। उस वक्त हम हर बार उन स्टेट्स को कंसल्ट नहीं करते, जबकि कानून हम उनके लिए भी बनाते हैं। डेटा का दुरुपयोग नहीं होना चाहिए, ऐसा कहा गया था, लेकिन मेरे ख्याल से इस कारोबार में transparency है। मुझे लगता है कि इस transparency के ज़रिए हम यह सोच सकते हैं कि जो कोई नीति अपनाई जाएगी, वह लोगों के फायदे के लिए ही होगी।

दूसरा, इस विधेयक के अंतर्गत नोडल एजेंसी कायम की गई है, जो बहुत जरूरी थी और जो 2008 के विधेयक में नहीं थी, इसलिए भी इस संशोधन की बहुत आवश्यकता थी। मुझे लगता है कि इस विधेयक के माध्यम से केन्द्र और राज्य सरकारों का जो empowerment हुआ है, उसके लिए यह नया विधेयक लाना बहुत जरूरी है। यह विधेयक proper planning and execution के लिए है और मेरा मानना है कि इस ऐक्ट के तहत यह काम और भी अच्छे से हो पाएगा, इसलिए मैं इसका समर्थन करना चाहता हूं, धन्यवाद।

श्री राम कुमार कश्यप (हरियाणा): सर, आपने मुझे सांख्यिकीय संग्रहण (संशोधन) विधेयक, 2017 पर बोलने का मौका दिया, इसके लिए मैं आपका धन्यवाद करता हूं। यह बिल एक बहुत ही महत्वपूर्ण बिल है। इस बिल के द्वारा जितने भी आंकड़े इकट्ठे किए जाएंगे, उन आंकड़ों से जनता के लिए बहुत ही कल्याणकारी नीतियां और योजनाएं बन पाएंगी। इससे पहले भी सांख्यिकीय संग्रहण (संशोधन) अधिनियम, 2008 आया था। इस बिल को लाकर उसमें दो मुख्य अमेंडमेंट कर दिए गए हैं, एक तो इसका विस्तार जम्मू-कश्मीर राज्य तक कर दिया गया है और दूसरा इस बिल के आने से सरकारें अपने लैवल पर नोडल ऑफिसर की नियुक्ति कर पाएंगी।

सर, इस बिल के द्वारा जो आंकड़े इकट्ठे किए जाएंगे, वे सही हों, रिलायबल हों और समय पर इकट्ठे किए जा सकें, इसके लिए मैं अपनी तरफ से दो-चार सुझाव देना चाहूंगा। मैंने स्वयं हरियाणा गवर्नमेंट के Statistical Department में 25 साल तक काम किया है और Planning Commission के अंतर्गत मैंने data collection का काम भी किया है। जो डेटा केलक्शन काम काम करते हैं, वही जानते हैं कि यह एक बहुत ही मुश्किल और कठिन काम होता है। सर, डेटा कलेक्शन से जुड़ी हुई दो-तीन घटनाएं मेरे जीवन में घटीं, अगर आप मुझे समय दें, तो मैं उनके बारे में बताना चाहूंगा।

सर, एक बार मैं यमुना नगर में डेटा कलेक्शन का काम कर रहा था। डेटा कलेक्शन से पहले मैंने अपना बैग एक डॉक्टर की दुकान पर रख दिया। उस समय वहां पर डॉक्टर नहीं था, केवल क्लीनिक खुला हुआ था। अपना बैग वहां पर रख कर मैंने डेटा कलेक्शन का काम शुरू कर दिया, एक घंटे के बाद मुझे एक दुकान से पता लगा, वहां लोग बोल रहे थे कि आज तो कमाल हो गया, कोई उग्रवादी अपना बैग रख कर चला गया, वहां पर पुलिस इकट्ठी हो गई है। यह सुन कर मैं घबरा गया। मुझे डर लगा कि शायद मेरे ही बैग के बारे में पुलिस छानबीन कर रही होगी। मुझे बताया गया कि एक घंटे तक पुलिस वहां खड़ी रही और पुलिस ने उस दुकान का और वहा पर रखे मेरे बैग का घेराव कर लिया। जब उस बैग को टच करने की उनकी हिम्मत नहीं हुई, लेकिन अंत में हिम्मत करके उन्होंने उस बैग को खोला। उस बैग में मेरी दो-चार बुक्स और एक इंस्ट्रक्शन बुक रखी हुई थी। वे लोग मेरे बैग को

3.00 P.M .

उठाकर थाने में ले गए। जब मैं अपने बैग को लेने के लिए उस डॉक्टर की दुकान पर पहुंचा, तो उन्होंने मुझसे कहा कि आप बिना बताए ही मेरी दुकान पर बैग रखकर चले गए, आपका बैग तो पुलिस वाले ले गए हैं।

सर, उसके बाद डरते-डरते मैं थाने में गया, थाने में जाने की मेरी हिम्मत नहीं हो रही थी। अंत में जाकर मुझे मेरा बैग मिल गया। थानेदार ने मुझसे कहा कि आपको ऐसा नहीं करना चाहिए था। एक तो यह घटना थी, दूसरी घटना तब घटी जब डेटा कलेक्शन का काम करने के लिए मैं एक गांव में गया हुआ था और वहां पर मुझे एक कुत्ते ने काट लिया। 15 दिन तक अपने घर पर रह कर मुझे इसका ट्रीटमेंट करवाना पड़ा।

तीसरी घटना तब घटी, जब एक बार एक गांव में जाकर मैं डेटा कलेक्शन का काम कर रहा था और उस समय मुझे किसी व्यक्ति के assets की सारी सूचना लेनी थी, उनके जेवरात की सूचना भी लेनी थी। उसके पास कितने बर्तन हैं, इंस्ट्रूमेंट असेट्स हैं कि नहीं आदि के बारे में मैंने चौकीदार से मिलकर घर के एक मुखिया से सारी सूचना एकत्रित कर ली कि उसके घर में कितने जेवर हैं, कितनी चांदी है और कितने बर्तन हैं। उसके घर में एक बांसुरी भी लटकी हुई थी, उसे भी मैंने data collection में शामिल कर लिया। जब मैं अन्त में data collect कर के दूसरे गांव में चला गया, तब किसी गांव वाले ने उस घर के मुखिया को बता दिया कि तुमने अपने घर की सब चीज़ों की जानकारी उसे क्यों दी, वह data collection करने वाला नहीं, बल्कि डाकू था। अब तेरे घर में डकैती होगी। जब उसने इतनी बात सुनी, तो घर का मुखिया बेहोश हो गया। जब चौकीदार से पूछा गया कि जो data collection कर रहा था, वह कहां गया, तो उसने बताया कि वह तो फलां गांव में गया है। जब उस गांव में मेरे बारे में पूछताछ की, तो मैंने बताया कि मैं सरकारी मुलाज़िम हूं और data collection का काम करता हूं और यह डेटा कहीं भी यूज़ नहीं होगा, तब जाकर उसकी जान में जान आई और मेरा पिंड छूटा।

महोदय, मैं मंत्री महोदय से कहना चाहूंगा कि data collection का काम जो लोग करते हैं, उन्हें ज्यादा से ज्यादा सुविधाएं दी जानी चाहिए। यदि मैं हरियाणा की बात करूं, तो हरियाणा में जो लोग data collection का काम करते हैं, उन्हें आज तक गाड़ी मुहैया नहीं कराई गई है। हरियाणा के हर डिपार्टमेंट के पास गाड़ी है, लेकिन data collection करने वालों के पास कोई गाड़ी नहीं है। वहां के Stastical Officer को बस में जाकर data collection का काम देखना पड़ता है। इसलिए मेरा आपसे निवेदन है कि हरियाणा में data collection करने वाले इस विभाग को गाड़ी तुरन्त मुहैया कराई जाए।

MR. DEPUTY CHAIRMAN: Please conclude now.

श्री राम कुमार कश्यप: महोदय, इस बिल में जिस Nodal Officer की नियुक्ति की बात कही गई है, इस बारे में मैं बताना चाहूंगा कि बिल में कहीं यह नहीं कहा गया है कि किस डिपार्टमेंट से नोडल ऑफिसर की नियुक्ति होगी। इस बारे में मेरा सुझाव है कि नोडल ऑफिसर की जो नियुक्ति होगी वह

[श्री राम कुमार कश्यप]

केवल स्टेटिस्टिकल ऑफिस से ही होनी चाहिए, क्योंकि इस ऑफिस के लोग data collection का काम बहुत बढ़िया तरीके से करते हैं। मेरी रिक्वेस्ट है कि नोडल ऑफिसर की नियुक्ति प्लानिंग डिपार्टमेंट यानी स्टेटिस्टिकल ऑफिस से ही होनी चाहिए।

महोदय, अन्त में, मैं केवल यह कहना चाहता हूं कि जो data collect किया जाता है, उसका दुरुपयोग भी नहीं होना चाहिए। सरकार को इसके ऊपर भी ध्यान देना होगा, जय हिन्द।

MR. DEPUTY CHAIRMAN: Now, the LoP, do you want to say something?

विपक्ष के नेता (श्री गुलाम नबी आज़ाद): माननीय डिप्टी चेयरमैन साहब, इस बिल के संबंध में मैं कहना चाहता हूं कि इसके माध्यम से डेटा कलेक्ट करना, स्टेटिस्टिक्स जमा करना और आंकड़े इकट्ठे करना इसके खिलाफ कोई नहीं है, बल्कि हम उसके हक में हैं। श्री जयराम रमेश जी ने इस बिल पर आपकी अनुमति से जब बोलना शुरू किया, तब शुरू में ही उन्होंने हमारी पार्टी का व्यू बताया कि हम इसके खिलाफ नहीं हैं, लेकिन सब जानते हैं कि जम्मू-कश्मीर का स्पेशल स्टेटस है। एक चीज़ के लिए मैं इन्हें बधाई देता हूं कि जम्मू-कश्मीर के स्पेशल स्टेटस के बारे में जो आप टेलीविज़न पर सुनते हैं, आप गुस्सा न करें, उसमें अधिकतर आपके ही साथी होते हैं, जो कश्मीर के स्पेशल स्टेटस के बारे में बताते हैं। इन्होंने बताया कि कांस्टीट्यूशन में जम्मू-कश्मीर का स्पेशल स्टेटस तो है ही, लेकिन 371 एवं धारा 370ए, बी, सी, डी, ई, एफ, जी, एच, आई, जे, के, एल से लेकर जैड तक पूरा हिन्दुस्तान उसमें शामिल है। उसके बारे में आप इलेक्शन्स में भी चर्चा नहीं करते हैं, क्योंकि उसमें वोट नहीं मिलते हैं और न ही आप उसकी चर्चा कभी टेलिविज़न पर करते हैं।

महोदय, मैं WhatsApp पर देख रहा हूं कि छोटी-छोटी बच्चियां आर्टिकल 370 के बारे में जो आंकड़े दे रही हैं, वे 370 में कहीं हैं ही नहीं। उन्हें भी आपने 370 पर अच्छी शिक्षा दी है। इन आंकड़ों के बारे में, यदि आप कहेंगे, तो मैं आपसे जरूर शेयर करूंगा। जब वे बातें कहीं हैं ही नहीं, वे भी 370 पर व्हाट्सएप में मैसेज भेज रहे हैं। वे आपकी ही पार्टी के बच्चे-बच्चियां हैं। माफ कीजिए, उन्हें इस प्रकार की गलत तालीम मत दिया कीजिए। वे जिस प्रकार से 370 के बारे में लोगों में भ्रम फैलाते हैं, वैसा मत कीजिए।

महोदय, पिछले 30 साल से कश्मीर में हालात बहुत खराब हैं। आज आपकी जिम्मेदारी हमसे ज्यादा है, क्योंकि आपकी सरकार वहां है और आपकी ही सरकार यहां है। आज तक जितने भी कानून बने हैं, उन्हें अधिकतर पार्लियामेंट पास करती है और according to the Constitution उसमें यह लिखा होता है कि "This will apply to the whole of India, except Jammu and Kashmir." मेरे ख्याल में जम्मू-कश्मीर में, 95-97 परसेंट जो कानून हमने यहां पास किए हैं, वहाँ की लेजिस्लेशन ने उनको दोबारा स्टेट में पारित किया है। कुछ कानून जो यहां बने थे, जो हमारी सरकार ने UPA-1 में बनाये थे, जिसका मैं भी हिस्सा था, लेकिन तब जम्मू-कश्मीर की स्टेट गवर्नमेंट ने, जब उस वक्त मुझसे पहले मरहूम मुफ्ती साहब चीफ मिनिस्टर थे, उन्होंने उनको लागू नहीं किया था, उन्होंने, स्टेट गवर्नमेंट ने बिल्स नहीं लाये थे। लेकिन जब मैं खुद चीफ मिनिस्टर था, तब मैंने असेम्बली का स्पेशल सेशन बुलाकर, पहले ही दिन में, वे जो कानून थे, उनको पारित किया, पास किया।

सवाल यहाँ मेरिट का नहीं है कि कोई बिल अच्छा है या अच्छा नहीं है। सवाल Constitutional provision का है, Article 370 का है, चाहे वह 370 हो, 371 हो या 371 A-B-C-D हो। We are guided by the Constitution of India. जब भी हम यह चाहें कि इसको सीधे पारित करें — आपको इस वक्त ज्यादा implications जम्मू-कश्मीर के बारे में समझनी चाहिए थी, क्योंकि आप सरकार चला रहे हैं। वहां हम कई चीज़ों से बहुत जूझ रहे हैं। वहाँ मिलिटेंसी हैं, मिमिटेंट्स हैं और कई अलग-अलग ग्रुप्स हैं, जिनको बहाना चाहिए। तो क्या आज इस हालत में, जब वहाँ आग लगी है, तब केन्द्रीय सरकार, जो कि यहां भी सत्ता में है और वहां भी सत्ता में है, यह ख्वामख्वाह "आ बैल मुझे मार"... आपने स्टेट गवर्नमेंट से नहीं पूछा, आपने विपक्ष से नहीं पूछा। मैं यहाँ काउंसिल ऑफ स्टेट्स का एक एमपी भी हूँ, लिहाज़ा नेता विरोधी दल के अलावा मेरा यह काम है, as a Member of Parliament, हम लोगों से भी नहीं पूछा। नेशनल कांफ्रेंस एक बड़ी पार्टी है। कांग्रेस के बाद यह नेशनल लेवल पर एक पुरानी पार्टी है। यह 1931 में बनी है। आज की लोकसभा में इसके एमपी फारूक अब्दुल्ला जी हैं। उनको भी पता नहीं है। उनको तो शायद अभी भी पता नहीं है, आपने लोक सभा में पास भी कर लिया। वे चार दफा चीफ मिनिस्टर रह चुके हैं। आपकी जो अपनी पार्टी पीडीपी है, जिसके साथ आप सरकार चला रहे हैं — तो इस बिल के साथ न आपकी रूलिंग पार्टी साथ है, न विपक्ष आपके साथ है। यहाँ जितने भी विरोधी दल हैं, मैंने सबके भाषण सुने। वहाँ हमारे मित्रों को छोड़कर A to Z सबने कहा कि इसके प्रोविजंस ठीक हैं, लेकिन स्टेट गवर्नमेंट की मरज़ी के बगैर नहीं करना चाहिए।

माफ कीजिए, आपका दृष्टिकोण आर्टिकल 370 के बारे में आज़ादी से लेकर आज तक अलग रहा है, उसको खत्म करने का, इसलिए आप वह sensitivity नहीं जानेंगे। लेकिन अब आप सरकार में है, तब भुगतना तो आपको पड़ेगा। Law and order, यहाँ और वहाँ, आपको भुगतना पड़ेगा। इसलिए मैं आप सबसे अनुरोध करूँगा कि सारा विपक्ष चाहता है कि आप वहाँ की स्टेट गवर्नमेंट से — आपने GST पास करा लिया। मैं यह नहीं कहता हूं कि मत पास करिए। आप स्टेट गवर्नमेंट से अनुरोध करिए कि हम चाहते हैं कि जो बिल पार्लियामेंट ने पारित किया है, आप इसको विधान सभा में रख कर पास कर दीजिए। मैं यह passage के बारे में नहीं बोल रहा हूं। Get it passed by the State Legislative Assembly instead of passing it yourselves, or, instead of Parliament passing it. इसलिए पार्लियामेंटरी अफेयर्स मिनिस्टर साहब, मैं अनुरोध करूँगा कि मेरे ख्याल से आप यह निर्णय लें कि इस पर आज रिप्लाई छोड़ दें, इस पर और consultation करें। यह बहुत sensitive issue है। ये छोटे-छोटे sensitive issues हैं। यह कोई बड़ा कानून नहीं है, Statistics का है, लेकिन जब कभी आग लग जाती है, तो चिंगारी से भी आग लग जाती है। कोई ट्रक भर कर आग नहीं आती है, माचिस की एक तीली से जंगल भी जल जाता है, इसलिए मेरा आपसे यह अनुरोध है। यह आपके हक की बात है, आप सेंटर में भी रूल कर रहे हैं, आप स्टेट में भी रूल कर रहे हैं, इसलिए आप sensitivity को समझिए और आप इसको यहां पारित करने के बजाय स्टेट गवर्नमेंट से पारित कराइए, वहां आपकी सरकार है। अगर वहां इसको पारित कराने में हमारी जरूरत होगी, तो हम जरूर पारित कराएंगे। इसको वहां स्टेट में पास कराने में अपोज़िशन आपकी मदद करेगी, लेकिन जहां हम सब लोग हालात सामान्य करने का प्रयास कर रहे हैं,वहां ख्वामख्वाह बीच में इस छोटी-सी बात से फिर बात बिगड़ सकती है। सर, मेरे ख्याल से इसका चेयरमैन साहब ने भी अंडरस्टैंड किया होगा। मेरी यही रिक्वेस्ट होगी कि आज इसका जवाब न देकर, इसको फिलहाल पेंडिंग रख दें।

[श्री गुलाम नबी आज़ाद]

† **قائد حزب اختلاف (جناب غلام نبی آزاد)** : مائنے ڈپٹی چیئرمین صاحب، اس بل کے سمبندھ میں، میں کہنا چاہتا ہوں کہ اس کے مادھیم سے ڈاٹا کلیکٹ کرنا، استیشٹکس جمع کرنا اور آنکڑے اکٹھے کرنا، اس کے خلاف کوئی نہیں ہے، بلکہ ہم اس کے حق میں ہیں۔ شری جے رام رمیش جی نے اس بل پر آپ کی اجازت سے بولنا شروع کیا اور شروع میں ہی انہوں نے ہماری پارٹی کا ویو بتایا کہ ہم اس کے خلاف نہیں ہیں، لیکن سب جانتے ہیں کہ جموں-کشمیر کا اسپیشل استیٹس ہے۔ ایک چیز کے لئے میں انہیں بدھائی دیتا ہوں کہ جموں-کشمیر کے اسپیشل استیٹس کے بارے میں جو آپ ٹیلی ویژن پر سنتے ہیں، آپ غصہ نہ کریں، اس میں زیادہ تر آپ کے ہی ساتھی ہوتے ہیں، جو کشمیر کے اسپیشل استیٹس کے بارے میں بتاتے ہیں۔ انہوں نے بتایا کہ کانسٹی ٹیوشن میں جموں-کشمیر کا اسپیشل استیٹس تو ہے ہی، لیکن 371، 370 اے، بی، سی، ڈی، ایف، ای۔ ایف۔ جی، ایچ، آئی، جے، کے، ایل، سے لیکر زیڈ تک پورا ہندوستان اس میں شامل ہے۔ اس کے بارے میں آپ الیکشنس مین بھی چرچہ نہیں کرتے ہیں، کیوں کہ اس میں ووٹ نہیں ملتے ہیں اور نہ ہی آپ اس کی چرچہ کبھی ٹیلی ویژن پر کرتے ہیں۔

مہودے، میں وہاٹس-اپ پر دیکھہ رہا ہوں کہ چھوٹی چھوٹی بچیاں آرٹیکل 370 کے بارے میں جو آنکڑے دے رہی ہیں، وہ 370 میں کہیں ہے ہی نہیں۔ انہیں بھی آپ نے 370 پر اچھی شکشا دی ہے۔ ان آنکڑوں کے بارے میں، اگر آپ کہیں گے، تو میں آپ سے ضرور شیئر کروں گا۔ جب وہ باتیں کہیں ہے ہی نہیں، وہ بھی 370 میں وہاٹس-اپ میں میسیج بھیج رہے ہیں۔ وہ آپ کی ہی پارٹی کے بچے بچیاں ہیں۔ معاف کیجئے، انہیں اس طرح کی غلط تعلیم مت دیا دیجئے۔ وہ جس طرح سے 370 کے بارے میں لوگوں میں بھرم پھیلاتے ہیں، ویسا مت کیجئے۔

مہودے، پچھلے تیس سال سے کشمیر میں حالات بہت خراب ہیں۔ آج آپ کی ذمہ داری ہم سے زیادہ ہے، کیوں کہ آپ سرکار وہاں ہے اور آپ کی ہی سرکار یہاں ہے۔ آج تک جتنے بھی قانون بنے ہیں، انہیں زیادہ تر پارلیمنٹ پاس کرتی ہے اور according to the Constitution اس میں یہ لکھا ہوتا ہے کہ "This will apply to the whole of India, except Jammu and Kashmir."

†Transliteration in Urdu script.

میرے خیال میں جموں-کشمیر میں، 97-95 فیصد جو قانون ہم نے یہاں پاس کئے ہیں، وہاں کی لیجسلیشن نے اس کو دوبارہ اسٹیٹ میں پارت کیا ہے۔ کچھ قانون جو یہاں بنے تھے، جو ہماری سرکار نے یوپی۔اے۔-ون میں بنائے تھے، جس کا میں بھی حصہ تھا، لیکن تب جموں-کشمیر کی اسٹیٹ گوورنمینٹ نے، جب اس وقت مجھ سے پہلے مرحوم مفتی صاحب چیف منسٹر تھے، انہوں نے ان کو لاگو نہیں کیا تھا، انہوں نے، اسٹیٹ گوورنمینٹ نے بلس نہیں لانے تھے۔ لیکن جب میں خود چیف منسٹر تھا، تب میں نے اسمبلی کا اسپیشل سیشن بلاکر، پہلے ہی پندرہ دنوں میں، وہ جو قانون تھے، ان کو پارت کیا، پاس کیا۔

سوال یہاں میرٹ کا نہیں ہے کہ کونی بل اچھا ہے یا اچھا نہیں ہے۔ سوال Constitutional provision کا ہے، آرٹیکل 370 کا ہے، چاہے وہ 370 ہو، 371 ہو یا 371 اے،بی،سی،ڈی ہو۔ We are guided by the Constitution of India. جب بھی ہم یہ چاہیں کہ اس کو سیدھے پارت کریں، آپ کو اس وقت زیادہ امپلیکیشنس جموں-کشمیر کے بارے میں سمجھنی چاہئے تھی، کیوں کہ آپ سرکار چلا رہے ہیں۔ وہاں ہم کئی چیزوں سے بہت جوجھ رہے ہیں۔ وہاں ملیٹینسی ہے، ملیٹینٹس ہیں اور کئی الگ-الگ گروپس ہیں، جن کو بہانا چاہئے۔ تو کیا آج ان حالات میں، جب وہاں آگ لگی ہے، تب کیندریہ سرکار، جو کہ یہاں بھی ستّہ میں ہے اور ہاں بھی ستّہ میں ہیں، یہ خواہ مخواہ " آ بیل مجھے مار" .. آپ نے اسٹیٹ گوورنمینٹ سے نہیں پوچھا، آپ نے وپکش سے نہیں پوچھا۔ میں وہاں کاؤنسل آف اسٹیٹس کا ایک ایم۔پی۔ بھی ہوں، لہذا نیا ورودھی دل کے علاوہ میرا یہ کام ہے، as a Member of Parliament, ہم لوگوں سے بھی نہیں پوچھا۔

[श्री गुलाम नबी आज़ाद]

نیشنل کانفرنس ایک بڑی پارٹی ہے۔ کانگریس کے بعد یہ نیشنل لیول پر ایک پرانی پارٹی ہے۔ یہ 1931 میں بنی ہے۔ آج کی لوک سبھا میں اس کے ایم۔پی۔ فاروق عبداللہ جی ہیں۔ ان کو بھی پتہ نہیں ہے۔ ان کو تو شاید ابھی بھی پتہ نہیں ہے، آپ نے لوک سبھا میں پاس بھی کرا لیا۔ وہ چار دفعہ چیف منسٹر رہ چکے ہیں۔ آپ کی جو اپنی پارٹی پی۔ڈی۔پی۔ ہے، جس کے ساتھ آپ سرکار چلا رہے ہیں – تو اس بل کے ساتھ نہ آپ کی رولنگ پارٹی ساتھ ہے، نہ وپکش آپ کے ساتھ ہے۔ یہاں جتنے بھی ورودھی دل ہیں، میں نے سب کے بھاشن سنے۔ وہاں ہمارے دو ساتھیوں کو چھوڑ کر اے۔ ٹو زیڈ۔ سب نے کہا کہ اس کے پروویزنس ٹھیک ہیں، لیکن اسٹیٹ گوورنمینٹ کی مرضی کے بغیر نہیں کرنا چاہئے۔

معاف کیجئے، آپ کا نظریہ آرٹیکل 370 کے بارے میں آزادی سے لے کر آج تک الگ رہا ہے، اس کو ختم کرنے کا، اس لئے آپ وہ sensitivity نہیں جانیں گے۔ لیکن اب آپ سرکار میں ہیں، تب بھگتنا تو آپ کو پڑے گا۔ لاء اینڈ آرڈر، یہاں اور وہاں آپ کو بھگتنا پڑے گا۔ اس لئے میں آپ سب سے انورودھ کروں گا کہ سارا وپکش چاہتا ہے کہ آپ وہاں کی اسٹیٹ گوورنمینٹ سے – آپ نے جی۔ایس۔ٹی۔ پاس کرا لیا۔ میں یہ نہیں کہتا ہوں کہ مت پاس کرائیے۔ آپ اسٹیٹ گوورنمینٹ سے انورودھ کرئیے کہ ہم چاہتے ہیں کہ جو بل پارلیمینٹ نے پارت کیا ہے، آپ اس کو ودھان سبھا میں رکھہ کر پاس کر دیجئے۔ میں یہ پیسیج کے بارے میں نہیں بول رہا ہوں۔ Get it passed by the State Legislative Assembly instead of passing it yourselves, or, instead of Parliament passing it. اس لئے پارلیمنٹری افیئرس منسٹر صاحب، میں انورودھ کروں گا کہ میرے خیال میں آپ یہ فیصلہ کریں کہ اس پر آج رپلائی چھوڑ دیں، اس پر اور کنسلٹیشن کریں۔ یہ بہت sensitive issue ہے۔ یہ چھوٹے چھوٹے sensitive

issues ہیں یہ کوئی بڑا قانون نہیں ہے، Statistics کا ہے، لیکن جب کبھی آگ لگ جاتی ہے، تو چنگاری سے بھی آگ لگ جاتی ہے۔ کوئی ٹرک بھر کی آگ نہیں آتی ہے، ماچس کی ایک تیلی سے جنگل بھی جل جاتاہے، اس لئے میرا آپ سے یہ انورودھ ہے۔ یہ آپ کے حق کی بات ہے، آپ سینٹر میں بھی رول کر رہے ہیں، آپ اسٹیٹ میں بھی رول کر رہے ہیں، اس لئے آپ sensitivity کر سمجھئے اور آپ اس کو یہاں پارٹ کرنے کے بجائے اسٹیٹ گوورنمینٹ سے پارٹ کرائیے، وہاں آپ کی سرکار ہے۔ اگر وہاں اس کو پارٹ کرانے میں ہماری ضرورت ہوگی، تو ہم ضرور پارٹ کرائیں گے۔ اس کو وہاں اسٹیٹ میں پاس کرانے میں اپوزیشن آپ کی مدد کرے گی، لیکن جہاں ہم سب لوگ حالات معمول پر لانے کی کوشش کر رہے ہیں، وہاں خواہ مخواہ بیچ میں اس چھوٹی سی بات سے پھر بات بگڑ سکتی ہے۔ سر، میرے خیال میں اس کو چیئرمین صاحب نے بھی انڈراسٹینڈ کیا ہوگا۔ میری یہی رکویسٹ ہوگی کہ آج اس کا جواب نہ دے کر، اس کو فی الحال پینڈنگ رکھہ دیں۔

श्री मुख्तार अब्बास नक़वी: सर, ऑनरेबल लीडर ऑफ दि अपोज़िशन ने जो बात कही है, उस पर हम उनको इस बात का विश्वास दिलाना चाहते हैं कि कश्मीर ही नहीं, बल्कि देश के हर हिस्से में अमन हो, शांति हो, इसलिए देश के सभी समाज के लोगों को हम विश्वास में लेकर आगे बढ़ रहे हैं और आपको भी विश्वास में लेकर आगे बढ़ना चाहते हैं। इसीलिए जब 11 अप्रैल, 2017 को लोक सभा में यह बिल पास हुआ, तो आपकी पार्टी ने भी उसमें सहयोग किया और इस प्रकार से सबने मिल कर इसको पास किया। कुछ इश्यूज़ आए हैं, मुझे लगता है कि आपने जो इश्यूज़ उठाए हैं, उनमें से कुछ मुद्दे ऐसे हैं, मैं कोई जवाब नहीं दे रहा हूं, लेकिन हम उन पर स्पष्टीकरण चाहेंगे, इसलिए ऑनरेबल मिनिस्टर इन मुद्दों को स्पष्ट कर दें ताकि उन पर कोई confusion न हो।

श्री गुलाम नबी आज़ाद: इसकी मेरिट पर तो कोई लड़ाई ही नहीं है। ...**(व्यवधान)**...

[श्री गुलाम नबी आज़ाद]

† **جناب غلام نبی آزاد :** اس کی میرٹ پر تو کوئی لڑائی ہی نہیں ہے ...(مداخلت)...

श्री मुख्तार अब्बास नक़वी: यहां मेरिट-डीमेरिट की बात नहीं है। ...(**व्यवधान**)...

SHRI GHULAM NABI AZAD: We are not talking about its merits. We are simply talking about the passage of the Bill.

SHRI MUKHTAR ABBAS NAQVI: I understand that. आपकी मंशा पर हमें कोई शक नहीं है, इसलिए आप हमारी मंशा पर भी शक न करिए। ...(**व्यवधान**)...

श्री उपसभापति: ठीक है।

SHRI GHULAM NABI AZAD: We are talking about constitutional propriety. ...*(Interruptions)*... This is what I said in the beginning. ...*(Interruptions)*... You would not understand the sensitivities of the people of Jammu and Kashmir. For God's sake, now you are in power for more than three years, understand the sensitivities of that particular region. It is in your interest and it is in the interest of the nation. And, at the moment, you are at the helm of affairs. You should be more concerned than all of us here.

SHRI D.V. SADANANDA GOWDA: Mr. Deputy Chairman, I do appreciate the concerns of the hon. Leader of the Opposition and other participants who participated in the debate. But I would like to place on record a few issues. There is certain confusion whether we have taken certain steps to get in touch with the State Government of Jammu and Kashmir or not and whether there are constitutional provisions which certainly permit us to take it forward or whether we are taking it in the larger interest of the State and the country. These are the things that need to be placed before the House. For that reason, I would just say a few words and then we will come to a conclusion.

Sir, at the very outset, I would like to draw the attention of our friend, Shri Jairam Ramesh, to the Constitution (Application to Jammu and Kashmir) Order, 1954. Under the said Order, the Seventh Schedule on division of powers is applicable to the State of Jammu and Kashmir in respect of the Union List and the Concurrent List in certain exceptions. There are certain exceptions also. Under this Order, there is no State List. Only residuary

†Transliteration in Urdu script.

powers have been entrusted to the State Government. Under such circumstances, where the power vests is the question that needs to be answered.

Sir, this Parliament has got absolute powers. I don't want to react to the statements made by the Leader of the Opposition. That we would discuss later. But what exactly is the position at present? The Order of 1954 specifies that the Parliament has got exclusive jurisdiction over the Concurrent List as applicable to Jammu and Kashmir. In spite of writing letters when we don't get response, what steps do we need to take? We all should think about it. Statistical data is one of the important areas to go ahead with our planning, policy formulation and implementation. I would like to know one thing from Mr. Jairam Ramesh. If I get more and more statistical data from Kashmir, is it not possible for the Central Government to, at least, do more for the State of Jammu and Kashmir? You referred to census. The entry of census is in the Union List in so far as it relates to decennial population census. Of course, we made an amendment. This Parliament passed a Bill and enacted a law. Now, we are going ahead with this. The Registration of Births and Deaths Act has been amended by Parliament. Similarly, when it does not infringe the rights of Kashmiris, when we do not override Article 370 or we are not entering into or encroaching upon the powers of the State Government, and since we are doing it in the larger interest of the country and the larger interest of the State, is it not fair on our part to go ahead? We wrote to the State Government in 2009 after the Bill was passed here. In spite of that, in 2010, they passed their own Act. But, in certain areas, they can't. We are also restrained from entering into certain areas. Therefore, much statistical data is not available as far as Kashmir is concerned, which hurts the development of the nation and the development of Kashmir. ...*(Interruptions)*... One minute please. ...*(Interruptions)*... I will go ahead. Sir, as far as population census is concerned, there is no problem as far as it is conducted under the provisions of the Census Act, 1948. But what about other areas? I will tell you. There are other areas such as agricultural census, livestock census, economic census, etc., which can be conducted under the Collection of Statistics Act of 2008 only by the Central Government. But, State Government has no power to go into that. You don't want to collect all census. So, under such circumstances, we have come up with this Bill.

[Shri D.V. Sadananda Gowda]

I would like to draw your attention to one more area. As far as the Census Act, 1948 and the Registration of Births and Deaths Act, 1969 are concerned, they were all passed by the Parliament. Even after the draft Cabinet Note, we wrote to them. Of course, we are also partners in the Jammu and Kashmir Government. But, I don't want to politicise the issue. As far as Kashmir is concerned, the Government's stand is very clear. A day should come when there are no terrorist activities, there is no interference by the Pakistanis and it is an integral part of our country and we should go ahead with that. ...*(Interruptions)*... For that reason, we have to collect all the statistical data of Kashmir. We should give more and more assistance to Kashmir. For that reason, we are bringing forward this Bill. Before we decided to introduce the Bill in the House, a Cabinet Note containing the amendments and proposals was sent to the Government of Jammu and Kashmir for their views, but no response was received. If they don't respond to our call, should we keep quiet? You please tell me. ...*(Interruptions)*... I do concede that. I don't want to politicise the issue. In 2009, it was not our Government. Your Government wrote. But, you did not receive a response. You should place that also on record. It is not only about 2017. This is my humble request. As far as the administration of that State is concerned, there will be no encroachment. As far as other activities of the State are concerned, certainly, there will be no encroachment. It is only in the area of collection of statistics. There will be nodal officers of the State and there will be nodal officers of the Centre; both will join together and go ahead. So, it is my humble request that you all should consent for the passage of this Bill. It will contribute to the development of the country as well as the development of Jammu and Kashmir.

MR. DEPUTY CHAIRMAN: Now, the question is:

That the Bill to amend the Collection of Statistics Act, 2008, as passed by Lok Sabha, be taken into consideration.

The motion was adopted.

MR. DEPUTY CHAIRMAN: I shall now take up clause-by-clause consideration of the Bill.

Clauses 2 and 3 were added to the Bill.

MR. DEPUTY CHAIRMAN: In Clause 4, there is one Amendment (No.1) by Dr. T. Subbarami Reddy. Mr. Subbarami Reddy, are you moving?

DR. T. SUBBARAMI REDDY (Andhra Pradesh): Before moving it, Sir, I would like to say that I moved this Amendment to make it clear that the responsibility of a nodal officer should not be entrusted to an officer of junior level. I want the Minister to bear in mind that the officer should not be below the rank of Joint Secretary. If you could examine it, then I am not moving it.

MR. DEPUTY CHAIRMAN: So, you are not moving. Okay, the Amendment is not moved.

Clause 4 was added to the Bill.

MR. DEPUTY CHAIRMAN: In Clause 5, there is one Amendment (No.2) by Dr. T. Subbarami Reddy. Mr. Subbarami Reddy, are you moving?

DR. T. SUBBARAMI REDDY: Sir, here also, I would like to say that I made it amply clear that the furnished information will be used only under the prescribed rules. Therefore, if the hon. Minister may please consider this point, then I will not move my Amendment.

MR. DEPUTY CHAIRMAN: Okay; that means you are not moving. The Amendment is not moved.

Clause 5 was added to the Bill.

MR. DEPUTY CHAIRMAN: In Clause 6, there is one Amendment (No.3) by Dr. T. Subbarami Reddy. Mr. Subbarami Reddy, are you moving?

DR. T. SUBBARAMI REDDY: The Government must ensure that the information is used in the right manner, and the mode of used information will be, for statistical purpose only. I am not moving.

MR. DEPUTY CHAIRMAN: So, you are not moving. It is always good that you are not moving. The Amendment is not moved.

Clause 6 was added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

MR. DEPUTY CHAIRMAN: Now, Shri D.V. Sadananda Gowda to move that the Bill be passed. ...*(Interruptions)*...

SHRI GHULAM NABI AZAD: Sir, before passing, I would like to say that the responsibility will be solely on the Ruling Party. We have warned you, we have cautioned you. That was the duty of the entire Opposition. In spite of the entire Opposition requesting you not to go ahead with this Bill, the Ruling Party is going ahead with the Bill. Should anything go wrong, solely, the Ruling Party in the Parliament will be held responsible for that.

MR. DEPUTY CHAIRMAN: Okay.

SHRI D.V. SADANANDA GOWDA: Sir, I move:

That the Bill be passed.

The question was put and the motion was adopted.

SHORT DURATION DISCUSSION - *Contd.* *

The farmers' distress leading to rise in the incidents of their suicide in the country

MR. DEPUTY CHAIRMAN: Now, Short Duration Discussion. Yesterday, I had already announced that the debate is concluded. Now, it is time for the reply. Hon. Minister will start his reply. ...*(Interruptions)*... One second. Hon. Leader of the Opposition, regarding the meeting on the Motor Vehicles Bill in presence of the leaders and the Ministers, it is proposed that it could be held at 12:15 p.m. tomorrow. Is it okay?

THE LEADER OF THE OPPOSITION (SHRI GHULAM NABI AZAD): Okay, Sir.

MR. DEPUTY CHAIRMAN: Okay; at 12:15 p.m., we will have the meeting either in Mr. Chairman's Chamber or in my Chamber. ...*(Interruptions)*...

SHRI JAIRAM RAMESH (Karnataka): Sir, how long will the Minister's reply take?

MR. DEPUTY CHAIRMAN: For the Minister's reply, I have suggested one hour. We have to limit it to one hour. Okay, hon. Minister, now you can start.

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* Further discussion continued from 25th July, 2017.

Extracts of the Report of the Joint Committee on the Jan Viswas (Amendment of Provisions) Bill, 2022 in respect of the COS Act, 2008

LOK SABHA

REPORT OF THE JOINT COMMITTEE ON THE JAN VISHWAS (AMENDMENT OF PROVISIONS) BILL, 2022

SEVENTEENTH LOK SABHA

LOK SABHA SECRETARIAT
NEW DELHI
MARCH, 2023/PHALGUNA, 1944 (SAKA)

LOK SABHA

REPORT OF THE JOINT COMMITTEE ON THE JAN VISHWAS (AMENDMENT OF PROVISIONS) BILL, 2022

(SEVENTEENTH LOK SABHA)

Presented to Lok Sabha on the 20 March, 2023

Laid in Rajya Sabha on the 17 March, 2023

LOK SABHA SECRETARIAT

NEW DELHI

MARCH, 2023/PHALGUNA 1944 (SAKA)

CHAPTER I

Objectives, Necessity and Scope

1. Objectives of the Jan Vishwas (Amendment of Provisions) Bill, 2022

1.1. The Jan Vishwas (Amendment of Provisions) Bill, 2022[1] was introduced in Lok Sabha on 22nd December, 2022. It seeks to amend 183 provisions across 42 Acts administered by 19 Ministries to reduce the compliance burden on individuals and businesses with the twin objectives of ease of doing business and ease of living for the citizens. The Bill has been piloted by the Department for Promotion of Industry and Internal Trade, Ministry of Commerce and Industry, Government of India after the respective Ministries had detailed discussions with industry bodies and key stakeholders across different sectors on the Acts enforced by them. The Bill proposes a number of changes to the existing laws, including but not limited to: (a) decriminalizing various offences; (b) revision of various fines and penalties; (c) appointment of Adjudicating Officers; (d) establishment of Appellate Authorities; and (e) increase in the fines and penalties periodically. The Bill offers scope and horizon to identify areas for reforms and improve the local business environment as well as easing the lives of individuals simultaneously.

1.2. The exercise of reducing compliance burden on businesses and citizens has been initiated with the goal of ensuring a hassle-free and seamless service delivery to the ultimate beneficiary. Through the Jan Vishwas (Amendment of Provisions) Bill, 2022, decriminalization is being proposed to be achieved in the following ways:

(i) both imprisonment and/or fine are proposed to be removed;
(ii) imprisonment is proposed to be removed and fine retained/enhanced;
(iii) imprisonment and/or fine are proposed to be converted to penalty; and
(iv) compounding of offences is proposed to be introduced.

1.3. **Decriminalising certain offences:** Under the Jan Vishwas (Amendment of Provisions) Bill, 2022, several offences with an imprisonment term in certain Acts have been proposed to be decriminalised by imposing only a monetary penalty. For example, under the

[1] The Bill was published in the Gazette of India, Extraordinary, Part-II, Section 2 dated 22nd December, 2022

Cinematograph Act, 1952, there is an imprisonment for a term which may extend upto three years if any person fails to notify to any film distributor or exhibitor about the title, length of the film or number and nature of the certificate granted for the film, etc. in the manner prescribed by the Act. The Bill now proposes to replace this with a monetary penalty of five lakh rupees. Similarly, under the Agricultural Produce (Grading and Marking) Act, 1937, counterfeiting of grade designation marks is punishable with imprisonment for a term extending upto three years and a fine extending upto five thousand rupees. The Bill proposes to replace this with a penalty of eight lakh rupees.

1.4. **Fine and Penalty differentiated:** In certain Acts, offences have been decriminalised by imposing a penalty instead of a fine. For instance, under the Patents Act, 1970, a person selling a falsely represented article as patented in India is subject to a fine of upto one lakh rupees. The Bill replaces the fine with a penalty, which may extend upto ten lakh rupees and in case of continuing contravention, there shall be an additional penalty of one thousand rupees *per diem*.

1.5. **Revision of fines and penalties:** The Jan Vishwas (Amendment of Provisions) Bill, 2022 also proposes to increase the fines and penalties for some offences in the Acts specified in the Schedule to this Bill. Further, fines and penalties, *vide* clause 3 of the Bill, specified in the schedule have been proposed to be increased by ten *per cent* of the minimum amount of fine or penalty prescribed therefor after expiry of every three years from the date of commencement of the proposed Act, which seems to be a first time introduced legislative proposal to save the precious limited time at the disposal of the Parliament.

1.6. **Appointing Adjudicating Officers:** As per the Jan Vishwas (Amendment of Provisions) Bill, 2022, the Government of India may appoint one or more adjudicating officers for the purpose of determining penalties. The adjudicating officers may summon individuals for evidence and conduct inquiries into violations of the respective Acts. For instance, the Agricultural Produce (Grading and Marking) Act, 1937, the Air (Prevention and Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986, and the Public Liability Insurance Act, 1991 are the Acts among others which provide for the appointment of Adjudicating Officer.

1.7. **Appellate Mechanism:** The Jan Vishwas (Amendment of Provisions) Bill, 2022 also specifies the appellate mechanisms for persons, aggrieved by an order passed by an adjudicating officer/authority. For instance, under the Cinematograph Act, 1952, the provision to prefer appeal has been provided. Similarly, under the Merchant Shipping Act, 1958, provision to prefer appeal before the Director General within 30 days has been provided. Under the Air (Prevention and Control of Pollution) Act, 1981 and the Environment (Protection) Act, 1986, appeals may be preferred to the National Green Tribunal within sixty days from the date of order.

1.8. Brief details of the number of provisions proposed to be decriminalized by the Jan Vishwas (Amendment of Provisions) Bill, 2022 in respect of 19 Ministries/Departments and 42 Acts being considered in the Bill are given below:

Proposal **19 Ministries/Departments – 42 Acts**			
Sl. No.	**Categories**	**Number of provisions to be decriminalized (Acts)**	
1	**Imprisonment and/or Fine removed**		**55 (21)**
	Imprisonment and fine removed	42	
	Imprisonment removed	3	
	Fine removed	10	
2	**Imprisonment and/or Fine converted to Penalty**		**89 (22)**
	Imprisonment and fine converted to Penalty	69	
	Imprisonment converted to Penalty	2	
	Fine converted to Penalty	18	
3	**Imprisonment removed and Fine retained**		**14 (6)**
4	**Imprisonment removed and Fine enhanced**		**18 (5)**
5	**Introduced Compounding of Offences**		**6 (3)**
Total Provisions to be decriminalized			**182**

1.9. The details of number of provisions containing consequential and other amendments proposed in the Bill are further tabulated hereunder:

Consequential and other amendments in the Bill		
Sl. No.	**Action Proposed**	**Number of provisions (Acts)**
1	Introduce Adjudication/ Appeal/ Recovery Mechanism	**41 (10)**
2	Introducing Imprisonment and/or fine	**6 (6)**
3	Introducing penalties	**1 (1)**
4	Enhancing penalties/fine	**4 (1)**
5	Imprisonment reduced and/or fine retained/enhanced	**3 (2)**
6	Imprisonment retained and fine enhanced	**7 (2)**
7	Consequential amendments	
	Shifting of offence	6
	Omission from Schedule	6
	Creation of Fund	12
	Other amendments like definitions	55
Total		**141**

2. **Necessity for the Jan Vishwas (Amendment of Provisions) Bill, 2022**

2.1. Trust is a prerequisite and fundamental for democratic governance. The outdated rules and regulations cause trust deficit amongst the general public and entrepreneurs. The linchpin of democratic governance lies in the Government trusting its own institutions as well as the common citizenry. The fear of imprisonment for minor offences is a major factor hampering the growth of the business ecosystem and shattering the confidence of entrepreneurs. Reducing the compliance burden also gives impetus to business process reengineering and improves ease of living of people. Pursuing the spirit of 'Minimum Government Maximum Governance', India needs to get rid of the vintage laws that were adversely affecting the development of the country as well as out of sync with the philosophy of the Government. With the advent of technology and changes in the socio-economic scenario, it is necessary for the country to liberate the entrepreneurial spirit of its

3. **Scope of the Bill**

3.1. As mentioned in the Statement of Objects and Reasons of the Jan Vishwas (Amendment of Provisions) Bill, 2022, the Bill seeks to reduce compliance burden to give impetus to business process reengineering and improve ease of living of people. The large number of reforms expected to be brought by the Bill will impact all kinds of business enterprises ranging from small and medium enterprises to mega corporations, investors to start-ups, workers to entrepreneurs, and companies to the economies and most importantly the citizens of the country.

3.2. The excessive compliances are onerous on micro, small and medium enterprises. The Bill proposes to undertake 'quasi-decriminalisation'. The regulatory offences to be considered for 'decriminalisation' need to be prioritised not only from the point of view of the ease of doing business but also from the points of view of the ills that plague our criminal justice system itself. A monograph titled 'Jailed For Doing Business' by the Observer Research Foundation presents a deep dive into the imprisonment clauses that plague India's business compliance regulation framework. The report found among the 69,233 unique compliances that regulate doing business in India, 26,134 clauses have imprisonment clauses as a penalty of non-compliance. As per the said Report, an average Indian enterprise in the manufacturing sector with more than 150 employees deal with 500-900 compliances a year that cost nearly 12 to 18 lakh rupees in a single year. Almost two out of five compliances can send an entrepreneur to prison. In this light, the number of offences deregulated under the Bill is an initiative in the right direction. The Bill conforms to the understanding of the government that decriminalization should be limited to regulatory domains.

3.3. Presently, people are reluctant to do business in India as even minor offences can lead them to being jailed and the Jan Vishwas (Amendment of Provisions) Bill, 2022 will incontrovertibly impact the business mindset of the people on the one hand and reduce the burden on the Judicial and Quasi Judicial system on the other hand. Overall the Jan Vishwas (Amendment of Provisions) Bill, 2022 aims to provide and expand business

opportunities with a swift and effective resolution of various minor disputes while also ensuring that the government is able to collect penalties.

3.4. In the present scenario, the compliance burden by the business community and the individuals can be reduced through the following steps, which are also the focus areas of the exercise of reducing compliance burden:

(i) Rationalization of legal provisions by repealing, amending or omitting the redundant laws.

(ii) Simplification of procedures related to applications, renewals, inspections, filing records, etc.

(iii) Digitization of government processes by creating online interaces.

(iv) Decriminalisation of minor, technical or procedural defaults.

3.5. Unambiguously defined regulation and equal access to property rights are essential for enabling businesses to expand their operations. If governments do not put in place adequate protection laws and leave the business community open to disputes, the stakeholders would be disinclined to invest in the developmental projects. Protection of interests of the minority investors is paramount. Greater protection helps foster trust and confidence and, in turn, spurs greater access to finance for entrepreneurs. Unambiguous rules and regulations, robust rights and augmented transparency are some of the regulatory instruments at the disposal of Government. An incessant and focused reform agenda keeps an economy competitive and vigilant. The regional diversity and varying income levels among the citizens accentuate the fact that with few bureaucratic hurdles and robust laws and regulations, any economy can make it to the top. The quality and effectiveness of regulations matter most for a good performance in the ease of doing business and ease of living. The trust-based governance is needed at all levels. Regulatory environment should be more conducive for starting and running businesses.

4. **Acts under consideration**

4.1. The following Acts included in the Schedule to the Jan Vishwas (Amendment of Provisions) Bill, 2022 are proposed to be amended by the Bill:

1. The Press and Registration of Books Act, 1867

2. The Indian Post Office Act, 1898
3. The Boilers Act, 1923
4. The Indian Forest Act, 1927
5. The Agricultural Produce (Grading and Marking) Act, 1937
6. The Drugs and Cosmetics Act, 1940
7. The Public Debt Act, 1944
8. The Rubber Act, 1947
9. The Pharmacy Act, 1948
10. The Industries (Development and Regulation) Act, 1951
11. The Cinematograph Act, 1952
12. The Tea Act, 1953
13. The Copyright Act, 1957
14. The Merchant Shipping Act, 1958
15. The Deposit Insurance and Credit Guarantee Corporation Act, 1961
16. The Warehousing Corporations Act, 1962
17. The Food Corporations Act, 1964
18. The Patents Act, 1970
19. The Marine Products Export Development Authority Act, 1972
20. The High Denomination Bank Notes (Demonetisation) Act, 1978
21. The Air (Prevention and Control of Pollution) Act, 1981
22. The National Bank for Agriculture and Rural Development Act, 1981
23. The Spices Board Act, 1986
24. The Environment (Protection) Act, 1986
25. The National Housing Bank Act, 1987
26. The Motor Vehicles Act, 1988
27. The Railways Act, 1989
28. The Public Liability Insurance Act, 1991
29. The Cable Television Networks (Regulation) Act, 1995
30. The Trade Marks Act, 1999
31. The Geographical Indications of Goods (Registration and Protection) Act, 1999
32. The Information Technology Act, 2000
33. The Metro Railways (Operation and Maintenance) Act, 2002
34. The Prevention of Money-laundering Act, 2002
35. The Food Safety and Standards Act, 2006

36. The Government Securities Act, 2006
37. The Cantonments Act, 2006
38. The Payment and Settlement Systems Act, 2007
39. The Collection of Statistics Act, 2008
40. The Legal Metrology Act, 2009
41. The Factoring Regulation Act, 2011
42. The Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016.

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The Collection of Statistics Act, 2008

[Serial No. 39 of the Jan Vishwas(Amendment of Provisions) Bill, 2022]

2.230. **Administering Ministry:** **The Ministry of Statistics and Programme Implementation**

2.231. **Purpose of Act:** The Act is intended to facilitate the collection of statistics on economic, demographic, social, scientific and environmental aspects by Government at all levels, and for matters connected herewith or incidental there to. The rules under the CoS Act, 2008, namely, the Collection of Statistics Rules, 2011 have been notified on 16.05.2011.

2.231.1. As per provisions under CoS Act, persons to furnish information requested for by the 'statistics officer' of any ministry or department in the central or state government or union territory administration, or any panchayat or municipality. The statistics officer also has the right to access any relevant document in the person's possession, including entering any premises where he believes the document to be kept in order to inspect or take possession.

2.232. **Amendments proposed to Act:**

Sl. No.	Section No.	Existing Provision	Provision as amended in the Bill introduced in Lok Sabha
1	Section15. Penalty for neglect or refusal to supply particulars.–	15. Penalty for neglect or refusal to supply particulars.– (1) Whoever, fails to produce any books of account, vouchers, documents or other business records or whoever neglects or refuses to fill in and supply the particulars required in any information schedule or return given or sent to him or whoever neglects or refuses to answer any question or inquiry addressed to him as may be required under or for the purposes of any provision of this Act and the rules made thereunder, shall be punishable with a fine which may extend to one thousand rupees or, in the case of a company, with a fine which may extend to five thousand rupees.	15. Penalty for neglect or refusal to supply particulars or any other acts in contravention of the Act.– (1) Whoever, acts in contravention of or fails to produce any books of account, vouchers, documents or other business records or whoever neglects or refuses to fill in and supply the particulars required in any information schedule or return given or sent to him or whoever neglects or refuses to answer any question or inquiry addressed to him as may be required under or for the purposes of any provision of this Act and the rules made thereunder, shall be punishable with a fine which may extend to one thousand rupees or, in the case of a company, with a fine

			which may extend to five thousand rupees.
2.	Section 16. Penalty for making false statement.–	Section 16. Penalty for making false statement.–Whoever, wilfully makes any false or misleading statement or material omission in any information schedule or return filled in or supplied, or in answer to any question asked to him under this Act or the rules made thereunder, shall be punishable with simple imprisonment for a term which may extend to six months or with a fine which may extend to one thousand rupees or, in the case of a company, with a fine which may extend to five thousand rupees or with both.	Proposed for omission in the Bill, as introduced.
3	Section 17. Penalty for mutilation or defacement of information schedule.–	**Section 17. Penalty for mutilation or defacement of information schedule.–** Whoever, destroys, defaces, removes, or mutilates any information schedule, form, or other document containing particulars collected under this Act or requesting any such particulars, shall be punishable with simple imprisonment for a term which may extend to six months or with a fine which may extend to two thousand rupees or, in the case of a company with a fine which may extend to ten thousand rupees or with both.	Proposed for omission in the Bill, as introduced.
4	Section 18. Penalty for obstruction of employees.–	Section 18. Penalty for obstruction of employees.– Whoever, interferes with, hinders, or obstructs any employee in the exercise of any power or duty conferred by this Act, shall be punishable with simple imprisonment for a term which may extend to six months or with a fine which may extend to two thousand rupees or, in the case of a company with a fine which may extend to ten thousand rupees or with both.	Proposed for omission in the Bill, as introduced.

5	Section 19. Penalty for other offences.–	Section 19. Penalty for other offences.–Whoever– (a) acts in contravention of or fails to comply with any provision of this Act or any requirement imposed under this Act; or (b) wilfully deceives or attempts to deceive any statistics officer or any agency or any employee thereof, shall be punishable with simple imprisonment for a term which may extend to six months or with a fine which may extend to two thousand rupees or, in the case of a company, with a fine which may extend to ten thousand rupees or with both.	Proposed for omission in the Bill, as introduced.
6	Section 20. Penalty for failure to carry out duties and functions by employees.–	Section 20. Penalty for failure to carry out duties and functions by employees.–If any person employed in the execution of any duty or functions under this Act,– (a) omits without lawful excuse to carry out his duty, or knowingly makes any false declaration, statement or return; or (b) pretends performance of his duties or obtains or seeks to obtain information which he is not authorised to obtain; or (c) fails to keep inviolate the secrecy of the information gathered or entered in the information schedules collected pursuant to this Act and, except as permitted under this Act, divulges the contents of any schedule filled in or any information furnished by any informant under this Act, shall be punishable with simple imprisonment for a term which may extend to six months or with a fine which may extend to two thousand rupees or, in the case of a company, with a fine which may extend to ten thousand rupees or with both.	Proposed for omission in the Bill, as introduced.
7	Section 21.	Section 21. Penalty for	Proposed for omission in the

	Penalty for impersonation of employee.–8	impersonation of employee.– Whoever, not being authorised to collect statistics under the provisions of this Act, by words, conduct or demeanor pretends that he is authorised to do so, shall be punishable with simple imprisonment for a term which may extend to six months or with a fine which may extend to two thousand rupees or, in the case of a company, with a fine which may extend to ten thousand rupees or with both.	Bill, as introduced.
8	Section 22. General penalty.–	**Section 22. General penalty.–** Whoever, commits an offence under this Act for which no penalty is prescribed elsewhere than in this section, shall be punishable with simple imprisonment for a term which may extend to six months or with a fine which may extend to two thousand rupees or, in the case of a company, with a fine which may extend to ten thousand rupees or with both.	Proposed for omission in the Bill, as introduced.

2.233. **Submissions by the Ministry**

2.233.1. The Ministry submitted the following note on the proposed amendments for decriminalization/rationalization of the CoS Act, 2008:-

> "In pursuance of the Cabinet Secretary's D.O. letter dated 01.06.2020, the Ministry had constituted a Committee to review the penal provisions under CoS Act, 2008 in order to identify the offences which can be decriminalised/ rationalized. After receiving the report of Committee, the Ministry had sought comments of general public on the Committee's recommendations. Based on the recommendations of Committee and comments received from general public, a draft proposal for rationalization/ decriminalization of CoS Act, 2008 was prepared. As per the process of pre-legislative consultations, consultations on the draft proposal for rationalization/decriminalization of various penalties under CoS Act, 2008 were carried out with the concerned stakeholders viz. Central Ministries/Department, State/UT Govts., industry associations, general public. In view of the recommendations of Committee, comments received from various stakeholders, internal deliberations held in the Ministry and advice of the Department for Promotion of Industry & Internal Trade (DPIIT) and subsequent review by MoSPI, amendments in the CoS Act, 2008proposed for its decriminalization/ rationalization

through the Draft Jan Vishwas (Amendment of Provisions) Bill, 2022 introduced in the Lok Sabha on 22.12.2022 (at Sr. No. 39 of the said Bill)."

2.234. **Discussion in the sitting of the Committee:**

2.234.1. During their deliberations in sitting of the Committee on 09.02.2023, it was informed that the Ministry seeks to omit sections 16 to 22 dealing with various offences committed in contravention of this Act.

2.234.2. The Committee in this regard sought to understand the rationale behind retaining section 23, 24, 25 and 26, providing for cognizance of offences by courts under these sections, when the sections dealing with offences under Sections 16 to 22 have been omitted. The Ministry's representatives informed that these provisions have been kept in view of section 15, under which there is provision for fine.

2.234.3. The Committee further enquired, if after repealing these sections, would section 15 (1) cover the offences by companies, the representatives, Ministry of Statistics and Programme Implementation responded affirmatively.

2.234.4. The Committee opined that these provisions may be omitted as the offences by companies are covered under section 15. Committee further suggested that to decriminalize section 15, the fine may be converted into penalty to avoid involvement of Courts in the adjudication process.

2.234.5. When Committee enquired about the sufficiency and effectiveness of quantum of penalty imposed under section 15(1), the representatives of Ministry of Statistics and Programme Implementation apprised the Committee that the sections applies to individuals as well as companies ranging from small to larger ones, that is why the amount has been kept low. The Committee, however, suggested that the amount of penalty may be increased to Rupees 1 Lakh.

2.234.6. In this regard, the Committee desired to know as to who will be exercising adjudication powers under the Act to realise the penalties, the Committee suggested that the prescription may be added in section 15.

2.234.7. On being asked about the Committee regarding the provisions for rule making powers under the Act, the Ministry representative informed about Section 33 of the Act. The Committee suggested to incorporate the necessary directions under Section 33.

2.235. **Suggestions by the Committee:**

2.235.1. After detailed discussions and clarifications on the amendments proposed to be made in the Collection of Statistics Act, 2008, specified at Serial No. 39 of the Schedule to the Bill, the Committee decided to consider *inter alia* the following modifications during clause-by-clause consideration:

Section15(1)(i): The word "punishable" to be substituted with "liable" and "fine" may be converted to "penalty". Word "prescribed" to be removed.

(ii) In case of Company, penalty may be extended to one lakh rupees.

Section15(2)(i): The words “conviction of” may be substituted with “imposition of penalty on”.
(ii) The words `for an offence' may be omitted
(iii) The words `conviction' may be substituted with `imposition'.
(i) The word `punishable' may be substituted with `liable'.
(ii) The word `fine' may be converted to `Penalty'.

Section 23 to 26- may be omitted.

Sec 33 – Sub-clause (d) (6) to be added before 33 (2) (e). Regarding manner for prescribing penalty under section 15 in this regard adjudicating mechanism to be added in the Act.

39. Amendments proposed to The Collection of Statistics Act, 2008

(Sl. No. 39 of the Schedule)

3.115 On Sections 16, 17, 18, 19, 20, 21 and 22, the Ministry submitted, inter alia, as under:-

> "They have been omitted to facilitate ease of doing business and reduce the compliance burden."

3.116 In view of the submissions made by the Ministry, the Committee decided that amendments proposed by the Committee may be incorporated in the Bill.

3.117 Accordingly, the provision, as amended, by the Joint Committee has been shown below in Tabular form:

Title	Amendments proposed to the Act in the Bill as introduced in Lok Sabha	Format after incorporating amendments adopted by the Committee
The Collection of Statistics Act, 2008	(A) In section 15, for sub-section (1), the following sub-section shall be substituted, namely:—	***(A) In section 9, for the word "prosecution" at both the places where it occurs, the word "penalty" shall be***

	"(1) Whoever, acts in contravention of or fails to produce any books of account, vouchers, documents or other business records or whoever neglects or refuses to fill in and supply the particulars required in any information schedule or return given or sent to him or whoever neglects or refuses to answer any question or inquiry addressed to him as may be required under or for the purposes of any provision of this Act and the rules made thereunder, shall be punishable with a fine which may extend to one thousand rupees or, in the case of a company, with a fine which may extend to five thousand rupees.". (B) Sections 16 to 22 shall be omitted.	***substituted.*** **(Recommendation No. 100)** ***(A) For CHAPTER IV, the following CHAPTER shall be substituted, namely:-*** ***"CHAPTER IV*** ***PENALTIES AND ADJUDICATION*** ***15. Penalty for neglect or refusal to supply particulars and other contraventions.***- (1) Whoever fails to produce any books of account, vouchers, documents or other business records or whoever neglects or refuses to fill in and supply the particulars required in any information schedule or return given or sent to him or whoever neglects or refuses to answer any question or inquiry addressed to him as may be required under or for the purposes of any provision of this Act ***or whoever acts in contravention or fails to comply with any provision of this Act or any rules made thereunder or any requirement imposed under this Act,*** shall be ***liable to penalty*** which may extend to one thousand rupees, ***and*** in the case of a company, with a ***penalty*** which may extend to ***one lakh*** rupees. ***(2) The imposition of penalty on a person or company shall not relieve him or it of the obligations under sub-section (1), and if after the expiry of fourteen days from the date of imposition of penalty, he or it still fails to give the required particulars or continues to neglect or refuse or contravene any provision of this Act or any***

		rules made thereunder or any requirement imposed under this Act, shall be liable to a further penalty which may extend to one thousand rupees, and in the case of a company, to a further penalty which may extend to five thousand rupees, for each day after the first during which the neglect, refusal or contravention continues. ***15A. Adjudicating officer.- (1) The appropriate Government may, for the purposes of determining the penalties under section 15, appoint an officer as it may deem fit, to be adjudicating officer to hold an inquiry in the manner, as may be prescribed and to impose penalty:*** ***Provided that the appropriate Government may appoint as many adjudicating officers as may be required.*** ***(2) The adjudicating officer may summon and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any document, which in the opinion of the adjudicating officer, may be useful for, or relevant to, the subject-matter of the inquiry and if, on such inquiry, he is satisfied that the person concerned has failed to comply with the provisions of this Act, he may impose penalty:*** ***Provided that no such penalty shall be imposed without giving the parties concerned a reasonable***

		opportunity of being heard. ***15B. Appeal.- (1) Whoever aggrieved by the order passed by the adjudicating officer under this Act, may prefer an appeal to the appellate authority, above the rank of the adjudicating officer, authorised by the appropriate Government, within thirty days from the date of receipt of order in such form and manner as may be prescribed.*** ***(2) An appeal may be admitted after the expiry of the period of thirty days if the appellant satisfies the appellate authority that he had sufficient cause for not preferring the appeal within that period.*** ***(3) The appellate authority may, after giving the parties to the appeal an opportunity of being heard, pass such order as he may think fit.*** ***(4) The appellate authority referred to in sub-section (1) shall dispose of the appeal within sixty days from the date of filing the appeal.*** ***15C. Recovery.- Notwithstanding anything contained in this Act, if penalty imposed under this Act, is not deposited, the amount shall be recovered as an arrear of land revenue.".*** ***(B) In section 33, in sub-section (2), after clause (da), the following clauses shall be inserted, namely:-*** ***"(db) the manner of imposing penalty under sub-section (1) of section 15A;***

		(dc) the form and manner of preferring appeal under sub-section (1) of section 15B;". **(Recommendation No. 101)**

Appendix-B

THE COLLECTION OF STATISTICS ACT, 1953

32 OF 1953

[18th September, 1953]

An Act to facilitate the collection of statistics of certain kinds relating to industries, trade and commerce.

Be it enacted by Parliament as follows :-

Short title, extent and commencement

1. (1) This act may be called the Collection of Statistics Act, 1953.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions

2. In this Act, unless the context otherwise requires, -

(a) "appropriate Government" means -

(i) the Central Government, in relation to the collection of statistics under a direction issued by it under section 3, and

(ii) The State Government, in relation to the collection of statistics under a direction issued by it under that section;

(b) "commercial concern" means a public limited company or a co-operative society or a firm or any other person or body of persons engaged in trade or commerce, and includes -

(i) a concern engaged in banking or insurance;
(ii) a financial corporation;
(iii) a concern engaged in shipping and navigation;
(iv) a concern engaged in the business of brokers dealing in shares, stocks and securities and commodities;
(v) a concern engaged in the business of advertising consultants;
(vi) a light railway;
(vii) a concern engaged in road transport service;
(viii) a concern engaged in air transport service;
(ix) a rubber, tea, coffee or cinchona plantation;
(x) a concern engaged in the business of forwarding and clearing agents;
(xi) any other concern which, in the opinion of the Central Government, is a commercial concern and is declared to be such by that Government by notification in the Official Gazette, but does not include an industrial concern;

63 of 1948

(c) "factory" means a factory as defined in clause (m) of section 2 of the Factories Act, 1948;

(d) "industrial concern" means a public limited company or a co-operative society or a firm or any other person or body of persons engaged in the manufacture, assembling, packing, preservation or processing of goods or in mining or in the generation or distribution of electricity or any other form of power;

(e) "owner" in relation to a commercial or an industrial concern means the person who, or the authority which has the ultimate control over the affairs of the concern, and where the said affairs are entrusted to a manager, managing director or managing agent, such manager, managing director or managing agent shall be deemed to be the owner of the concern;

(f) "prescribed" means prescribed by rules made under this Act or in any form laid down by such rules.

Collection of Statistics

3. The appropriate Government may, by notification in the Official Gazette, direct that statistics shall be collected relating to any of the following matters, namely: -

(a) any matter relating to any industry or class of industries;
(b) any matter relating to any commercial or industrial concern or class of commercial or industrial concerns, and in particular, any matter relating to factories;
(c) any of the following matters so far as they relate to welfare of labour and conditions of labour, namely :-

(i) price of commodities;
(ii) attendance;
(iii) living conditions including housing, water supply and sanitation;
(iv) indebtedness;
(v) rents of dwelling houses;
(vi) wages and other earnings;
(vii) provident and other funds provided for labour;
(viii) benefits and amenities provided for labour;
(ix) hours of work;
(x) employment and unemployment;
(xi) industrial and labour disputes;
(xii) labour turnover;
(xiii) trade unions;

and thereupon the provisions of this Act shall apply in relation to those statistics:

Provided that –

(a) nothing contained in this section shall be deemed to authorize a State Government to issue any direction under this Act with respect to the collection of statistics relating to any matter falling under any of the entries specified in List I in the Seventh Schedule to the Constitution; or

(b) where the Central Government has issued any direction under this section for the collection of statistics relating to any matter, no State Government shall, except with the previous approval of the Central Government, issue any similar direction for so long as the collection of Statistics by the Central Government remains to be completed; or

(c) where a State Government has issued a direction under this section for the collection of statistics relating to any matter, the Central Government shall not issue any similar direction for so long as the collection of statistics by the State Government remains to be completed, except in cases where statistics have to be collected with reference to two or more States.

Appointment of statistics authority

4. The appropriate Government may appoint an officer to be the statistics authority for the purpose of collecting any statistics directed by it to be collected.

Power of statistics authority to call for information or returns

5. (1) The statistics authority may serve or cause to be served on the owner of an industrial or commercial concern or on any other person a notice requiring him to furnish such information or returns as may be prescribed relating to any matter in respect of which statistics are to be collected.

(2) The form in which, and the person to whom, or the authorities to which, such information or returns should be furnished, the particulars which they should contain and the intervals within which such information or returns should be furnished shall be such as may be prescribed.

(3) The notice referred to in sub-section (1) may be served by post.

Right of access to records or documents

6. The statistics authority or any person authorized by him in writing in this behalf shall, for the purposes of the collection of any statistics under this Act, have access to any relevant record or document in the possession of any person required to furnish any information or return under this Act and may enter at any reasonable time any premises where he believes such record or document to be and may inspect or take copies of relevant records or documents or ask any question necessary for obtaining any information required to be furnished under this Act.

Restriction on the publication of information and returns

7. (1) No information, no individual return and no part of an individual return with respect to any particular industrial or commercial concern, given for the purposes of this Act shall, without the previous consent in writing of the owner for the time being of the industrial or commercial concern in relation to which the information or return was given or made or his authorized agent, be published in such manner as would enable any particulars to be identified as referring to a particular concern.

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(2) Except for the purposes of a prosecution under this Act or under the Indian Penal Code, no person who is not engaged in the collection of statistics under this Act shall be permitted to see any information or individual return referred to in sub-section (1).

Penalties

8. If any person -

(a) required to furnish any information or return -

(i) willfully refuses or without lawful excuse neglects to furnish such information or return as may be required under this Act; or

(ii) willfully furnishes or causes to be furnished any information or return which he knows to be false; or

(iii) refuses to answer or willfully gives a false answer to any question necessary for obtaining any information required to be furnished under this Act; or

(b) impedes the right of access to relevant records or documents or the right of entry conferred by section 6;

he shall for each such offence be punishable with fine which may extend to five hundred rupees and in the case of a continuing offence to a further fine which may extend to two hundred rupees for each day after the first during which the offence continues.

Offences by companies

9. (1) If the person guilty of an offence under section 8 is a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation – For the purposes of this section, -

(a) "company" means any body corporate and includes a firm or other association of individuals; and

(b) "director" in relation to a firm means a partner in the firm.

Penalty for improper disclosure of information or returns

10. If any person engaged in connection with the collection of statistics under this Act willfully discloses any information or the contents of any return given or made under this Act otherwise than in the execution of his duties under this Act or for the purposes of the prosecution of an offence under this Act or under the Indian Penal Code, he shall be punishable for such offence with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Cognizance of offences

11. No prosecution for an offence under section 8 shall be instituted except by or with the sanction of the statistics authority and no prosecution for an offence under section 10 shall be instituted except by or with the consent of the appropriate Government.

Power of Central Government to give directions

12. The Central Government may give directions to a State Government as to the carrying into execution of this Act in the State

Protection of action taken in good faith

13. No suit or other legal proceedings shall be against the appropriate Government, the statistics authority, or any other person acting under the authority of the appropriate Government or of the statistics authority in respect of anything which is in good faith done or intended to be done in pursuance of this Act or of any rules or directions issued thereunder.

Power to make rules

14. (1) The appropriate Government may, subject to the condition of previous publication by notification in the Official Gazette, make rules for the purpose of carrying out the purposes of this Act.

(2) Without prejudice to the generality of the foregoing power, rules may be made under this section for all or any of the following matters, namely :-

(a) the form and manner in which the information and

returns may be furnished, the particulars which they should contain, the intervals within which and the authority to which such information and returns may be furnished;

(b) the manner in which the right of access to documents and the right of entry conferred by section 6 may be exercised; and

(c) any other matter which is to be or may be prescribed under this Act.

(3) All rules made under this section shall be laid, as soon as may be, before Parliament or, as the case may be, before the appropriate State Legislature.

15. [Repeal] Repealed by the Repealing and Amending Act, 1957 (36 of 1957), s.2 and Sch. 1.

AS INTRODUCED IN THE RAJYA SABHA

Bill No. XXXIX of 2007

THE COLLECTION OF STATISTICS BILL, 2007

ARRANGEMENT OF CLAUSES

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Bill No. XXXIX of 2007

THE COLLECTION OF STATISTICS BILL, 2007

A

BILL

to facilitate the collection of statistics on economic, demographic, social, scientific and environmental aspects, and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

Short title, extent and commencement.

1. (*1*) This Act may be called the Collection of Statistics Act, 2007.

(*2*) It extends to the whole of India except the State of Jammu and Kashmir.

(*3*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "agency" includes a person or persons engaged by the appropriate Government, directly or by outsourcing, for collection of statistics;

(*b*) "appropriate Government" means—

(*i*) any Ministry or Department in the Central Government or its instrumentality; or

(*ii*) any Ministry or Department in a State Government or Union territory Administration or its instrumentality; or

(*iii*) any local government that is to say, Panchayats or Municipalities, as the case may be,

in relation to the collection of statistics under a direction issued by it under section 3;

(*c*) "informant" means any person, who supplies or is required to supply statistical information and includes a owner or occupier or person in-charge or his authorised representative in respect of persons or a firm registered under the Indian Partnership Act, 1932 or a co-operative society registered under any Co-operative Societies Act or a company registered under the Companies Act, 1956 or a society registered under the Societies Registration Act, 1860 or any association recognised or registered under any law for the time being in force; 9 of 1932. 1 of 1956. 21 of 1860.

(*d*) "information schedule" means any book, document, form, card, tape, disc or any storage media on which information required is entered or recorded or is required to be entered or recorded for statistical purposes under this Act;

(*e*) "prescribed" means prescribed by rules made under this Act;

(*f*) "sampling" means a statistical procedure by which information relating to a particular field of inquiry is derived by applying statistical techniques to information obtained in respect of a proportion of the total number of persons or units concerned relevant to the field of inquiry;

(*g*) "statistical survey" means a census or a survey, whereby information is collected from all the informants in the field of inquiry or from a sample thereof, by an appropriate Government under this Act or any other relevant Act, wholly or primarily for the purposes of processing and summarising by appropriate statistical procedures;

(*h*) "statistics" means statistics derived by collecting, classifying and using statistics, specially in or for large quantities or numbers by appropriate Government from statistical surveys, administrative and registration records, and other forms and papers, the statistical analysis of which are, whether in a published or unpublished form;

(*i*) "statistics officer" means any officer appointed under section 4 for the purposes of any direction issued under section 3 of this Act.

CHAPTER II

COLLECTION OF STATISTICS

Collection of statistics.

3. The appropriate Government may, by notification in the Official Gazette, direct that the statistics on economic, demographic, social, scientific and environmental aspects shall be collected through a statistical survey or otherwise, and thereupon the provisions of this Act shall apply in relation to those statistics:

Provided that—

(*a*) nothing contained in this section shall be deemed to authorise a State Government or Union territory Administration or any local government to issue any direction with respect to the collection of statistics relating to any matter falling under any of the entries specified in List I (Union List) in the Seventh Schedule to the Constitution; or

(*b*) where the Central Government has issued any direction under this section for the collection of statistics relating to any matter, no State Government or Union territory Administration or any local government shall, except with the previous approval of the Central Government, issue any similar direction for so long as the collection of such statistics by the Central Government remain to be completed; or

(*c*) where a State Government or Union territory Administration or any local government has issued a direction under this section for the collection of Statistics relating to any matter, the Central Government shall not issue any similar direction for so long as the collection of such statistics by the State Government remain to be completed, except in cases where such statistics have to be collected with reference to two or more States or Union territories.

Powers of appropriate Government to appoint statistics officer, etc.

4. (*1*) The appropriate Government may appoint or cause to appoint an officer to be the statistics officer for any geographical unit for the purpose of collecting any statistics directed by it.

(*2*) The appropriate Government may appoint any agency or persons working in such agencies to take, or aid in, or supervise the collection of the statistics within any specified geographical unit and such agencies or persons, when so appointed, shall be bound to serve accordingly.

(*3*) The appropriate Government may employ on contract basis any agency or company or organisation or association or person, as may be necessary, for the purpose of collecting the statistics directed by it.

(*4*) The appropriate Government may delegate to any statistics officer, as it thinks fit, the power of appointing agencies or persons working in such agencies or employing on contract basis any agency or company or organisation or association of persons, conferred on it by sub-sections (*2*) and (*3*) within the geographical unit for which such statistics officer is appointed.

(*5*) The appropriate Government may, by order specify the form, the particulars required or the interval within which, and the statistics officer to whom, the statistical information by the informants shall be furnished.

(*6*) The appropriate Government may, by order published in the Official Gazette, delegate to any statistics officer, as it thinks fit, any power conferred under sub-section (*5*) for the purpose of the collection of statistics under a direction issued by it under section 3.

Power of statistics officer to call for information.

5. The statistics officer may, for the purpose of collection of statistics on any specified subject in any geographical unit for which the said officer was appointed—

(*a*) serve or cause to be served on any informant a notice in writing asking him to furnish the information specified under sub-section (*5*) of section 4 or cause a information schedule to be given to any informant for the purpose of its being filled up; or

(*b*) cause all questions relating to the subject to be asked from any informant; or

(*c*) seek information through tele fax or telephone or e-mail or in any other electronic mode or in a combination of different modes for different sets of information so specified.

Duty of Informants.

6. The informants who are asked to furnish any information under the provisions of this Act shall be bound to furnish the information so asked in the prescribed manner to the best of knowledge or belief; and in cases where only a portion of a particular class or group of persons or units is asked to furnish information because of any sampling procedure, it shall not be a defence in failure on the part of any informant to furnish that information, if so asked.

All agencies to assist.

7. Every agency shall render such help and assistance and furnish such information to other agency or any statistics officer as it may require for the discharge of its or his functions, and shall make available for inspection and examination of such records, plans and other documents, as may be necessary.

Right of access to records or documents.

8. The statistics officer or any person authorised by him in writing in this behalf shall, for the purposes of collection of any statistics under this Act, have access to any relevant record or document in the possession of any informant required to furnish any information under this Act, and may enter at any reasonable time any premises where he believes such record or document is kept and may inspect or take copies of relevant records or documents or ask any question necessary for obtaining any information required to be furnished under this Act.

CHAPTER III

DISCLOSURE OF INFORMATION IN CERTAIN CASES AND RESTRICTIONS OF THEIR USE

Security of information.

9. (*1*) Any information furnished to the statistics officer or to any person or agencies authorised under this Act shall only be used for statistical purposes.

(*2*) No person other than a person engaged in the work of collection of statistics under this Act or preparation of statistics resultant to such collection shall be permitted to see any information schedule or any answer to a question asked, except for the purposes of a prosecution under this Act.

(*3*) No information contained in any information schedule and no answer to any question asked shall, except for the purposes of a prosecution under this Act, be separately published, or disclosed without suppressing the identification of informants to any agency.

(*4*) All statistical information published by any agency shall be arranged in such a manner so as to prevent any particulars becoming identifiable by any person (other than the informant by whom those particulars were supplied) as the particulars relating to the informant who supplied it, even through the process of elimination, unless—

(*a*) that informant has consented to their publication in that manner; or

(*b*) their publication in that manner could not reasonably have been foreseen by the concerned agency or any employee thereof.

(*5*) For the purposes of sub-section (*4*), the Central Government may make such rules or make such arrangement, as it may consider necessary.

Agencies authorised to disclose certain information.

10. Notwithstanding the provisions contained in section 9 of this Act, the agency authorised for collection of statistics may disclose the following information, namely:—

(*a*) information supplied by informant in respect of which disclosure is consented to in writing by the informant or by any person authorised by the said informant;

(*b*) information otherwise available to the public under any Act or as a public document.

(*c*) information in the form of an index or list of the names and addresses of informants together with the classification, if any, allotted to them and the number of persons engaged.

Disclosure of information schedules for *bona fide* research or statistical purposes.

11. (*1*) Notwithstanding the provisions contained in section 9 of this Act, the agency authorised for collection of statistics may disclose individual returns or formats or information schedules to other agency or person or institutions or universities solely for *bona fide* research or statistical purposes pursuant to their functions and duties.

(*2*) No individual return or information schedule shall be disclosed pursuant to this section unless —

(*a*) the name and address of the informant by whom the schedule or related information was supplied is deleted;

(*b*) every agency or person or institutions or Universities involved in the research or statistical project makes a declaration to use the schedules disclosed to them only for *bona fide* research or statistical purposes; and

(*c*) the agency authorised for collection of statistics, making such disclosure is satisfied that the security of the schedules and any information contained therein shall not be impaired.

(*3*) The published results of any research or statistical project shall not divulge any more information than what the agency authorised for collection of statistics could publish under this Act.

(*4*) Every agency or person or institutions or universities to whom any individual return or information schedule is disclosed under this section shall comply with directions given by the agency authorised for collection of statistics making the disclosure relating to the schedules and any information contained therein.

Disclosure of historical documents.

12. Notwithstanding anything contained in section 9 of this Act, the agency authorised for collection of statistics may release such documents relating to information schedules, which in the opinion of such agency have attained historical importance.

Security of recorded information.

13. The statistics officer or any person or agency authorised for collection of statistics shall, while copying or recording any statistical information collected pursuant to this Act from individual returns, information schedules, worksheets or any other confidential source by means of cards, tapes, discs, film or any other method, whether using encoded or plain language symbols for processing, storage or reproduction of particulars, take and cause to take such steps as are necessary to ensure that the security provisions of this Act are complied with.

Restrictions on use of information.

14. Save as otherwise provided under this Act,—

(*a*) no information obtained pursuant to this Act and no copy of the information in the possession of any informant shall be disclosed or used as evidence in any proceedings whatsoever; and

(*b*) no person who has access to any information because of his official position in the collection of any statistics shall be compelled in any proceedings whatsoever to give oral testimony regarding the information or to produce any schedule, document, or record with respect to any information obtained in the course of administering this Act,

except in the manner provided under this Act.

CHAPTER IV

OFFENCES AND PENALTIES

Penalty for neglect or refusal to supply particulars.

15. (*1*) Whoever, fails to produce any books of accounts, vouchers, documents or other business records or whoever neglects or refuses to fill in and supply the particulars required in any information schedule or return given or sent to him or whoever neglects or refuses to answer any question or inquiry addressed to him as may be required under or for the purposes of any provision of this Act and the rules made thereunder, shall be punishable with a fine which may extend to one thousand rupees or, in the case of a company, with a fine which may extend to five thousand rupees.

(*2*) The conviction of a person or company for an offence shall not relieve him or it of the obligations under sub-section (*1*) and if after the expiry of fourteen days from the date of conviction, he or it still fails to give the required particulars or continues to neglect or refuses to fill in and supply the particulars or to answer the question or inquiry, then he or it shall be punishable with a further fine which may extend to one thousand rupees or, in the case of a

company, with a fine which may extend to five thousand rupees, for each day after the first during which the failure continues.

Penalty for making false statement.

16. Whoever, makes any false or misleading statement or material omission in any information schedule or return filled in or supplied, or in answer to any question asked to him under this Act or the rules made thereunder, shall be punishable with a fine which may extend to one thousand rupees or, in the case of a company, with a fine which may extend to five thousand rupees.

Penalty for mutilation or defacement of information schedule.

17. Whoever, destroys, defaces, removes, or mutilates any information schedule, form, or other document containing particulars collected under this Act or requesting any such particulars, shall be punishable with a fine which may extend to two thousand rupees or, in the case of a company with a fine which may extend to ten thousand rupees.

Penalty for obstruction of employees.

18. Whoever, interferes with, hinders, or obstructs any employee in the exercise of any power or duty conferred by this Act, shall be punishable with a fine which may extend to two thousand rupees or, in the case of a company with a fine which may extend to ten thousand rupees.

Penalty for other offences.

19. Whoever—

(*a*) acts in contravention of or fails to comply with any provision of this Act or any requirement imposed under this Act; or

(*b*) wilfully deceives or attempts to deceive any statistics officer or any agency or any employee thereof,

shall be punishable with a fine which may extend to two thousand rupees or, in the case of a company, with a fine which may extend to ten thousand rupees.

Penalty for failure to carry out duties and functions by employees.

20. If any person employed in the execution of any duty or functions under this Act,—

(*a*) omits without lawful excuse to carry out his duty, or knowingly makes any false declaration, statement or return; or

(*b*) pretends performance of his duties or obtains or seeks to obtain information which he is not authorised to obtain; or

(*c*) fails to keep inviolate the secrecy of the information gathered or entered in the information schedules collected pursuant to this Act and, except as permitted under this Act, divulges the contents of any schedule filled in or any information furnished by any informant under this Act,

shall be punishable with a fine which may extend to two thousand rupees or, in the case of a company, with a fine which may extend to ten thousand rupees.

Penalty for impersonation of employee.

21. Whoever, not being authorised to collect statistics under the provisions of this Act, by words, conduct or demeanor pretends that he is authorised to do so, shall be punishable with a fine which may extend to two thousand rupees or, in the case of a company, with a fine which may extend to ten thousand rupees.

General penalty.

22. Whoever, commits an offence under this Act for which no penalty is prescribed elsewhere than in this section, shall be punishable with a fine which may extend to two thousand rupees or, in the case of a company, with a fine which may extend to ten thousand rupees.

Cognizance of offences.

23. No court shall take cognizance of any offence under this Act except on a complaint made by the appropriate Government or an officer authorised in this behalf by such appropriate Government or, as the case may be, the statistics officer, and no court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence punishable under this Act.

Sanction for prosecution for offence.

24. No prosecution for an offence committed by any informant shall be instituted except by or with the sanction of the statistics officer, and no prosecution for an offence committed by persons other than informants shall be instituted except by or with the consent of the appropriate Government.

Power of court to try cases summarily.

2 of 1974.

25. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, all offences under this Act shall be tried in a summary way by a Judicial Magistrate of the first class or by a Metropolitan Magistrate and the provisions of sections 262 to 265 (both inclusive) of the said Code shall, as far as may be, apply to such trial:

Provided that when in the course of, a summary trial under this section it appears to the Magistrate that the nature of the case is such that it is, for any reason, undesirable to try the case summarily, the Magistrate shall after hearing the parties, record an order to that effect and thereafter recall any witness who may have been examined and proceed to hear or rehear the case in the manner provided by the said Code.

CHAPTER V

POWER IN RESPECT OF CORE STATISTICS

Power in respect of core statistics.

26. Without prejudice to the provisions contained in this Act, the Central Government may, by notification in the Official Gazette, declare from time to time any subject for the collection of statistics of national importance as 'core statistics' and make such arrangement, as it may consider necessary, for regulating the collection and dissemination of statistics on the subject so declared.

CHAPTER VI

MISCELLANEOUS

Power to give directions.

27. The Central Government may give directions to any State Government or Union territory Administration or to any local government that is to say Panchayats or Municipalities, as to the carrying into execution of this Act in the State or Union territory or Panchayats or Municipalities, as the case may be.

Public servants.

45 of 1860.

28. Any statistics officer and any person authorised for the collection of statistics or preparation of official statistics under the provisions of this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860.

Bar of jurisdiction.

29. No civil court shall have jurisdiction to entertain any suit or proceeding in respect of any matter which the appropriate Government or the statistics officer or the agency is empowered by or under this Act to determine, and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

Protection of action taken in good faith.

30. No suit or other legal proceedings shall lie against the appropriate Government or agency or any statistics officer or other officers or employees in respect of anything which is in good faith done or intended to be done in pursuance of this Act or the rules or directions issued thereunder.

Overriding effect

31. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force except in relation to the conduct of human population census as per the directions, if any, issued under the Census Act, 1948.

37 of 1948.

Power to make rules.

32. (*1*) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing power, the Central Government may make rules under this section for all or any of the following matters, namely:—

(*a*) principles for coordinating as effectively as possible to achieve the objectives of section 3 and also to avoid unnecessary duplication in the collection of statistics;

(*b*) principles for prescribing the form and manner in which the information may be required to be furnished;

(*c*) principles for prescribing the manner in which the right of access to documents and the right of entry conferred by section 8 may be exercised; and

(*d*) any other matter which is to be or may be prescribed under this Act.

(*3*) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Repeal and savings.

33. (*1*) The Collection of Statistics Act, 1953 is hereby repealed. 32 of 1953.

(*2*) Notwithstanding such repeal, anything done or any action taken under the said Act shall be deemed to have been done or taken under the corresponding provisions of this Act.

(*3*) All rules made under the said Act shall continue to be in force and operate till new rules are made under this Act.

STATEMENT OF OBJECTS AND REASONS

The Collection of Statistics Act, 1953 (the Statistics Act) was enacted to facilitate the collection of statistics of certain kinds relating to industries, trade and commerce. Its provisions have been used in conducting the Annual Survey of Industries. The State Governments have also used the said Act to collect data in areas not covered by the Central Government. Briefly, the above said Act has so far been used for the purpose of collecting information from a limited segment of the industrial sector.

2. During the years, it is felt that the provisions of the Statistics Act are not adequate to meet the new challenges arising out of liberalization and globalization regime manifested by the WTO Agreement. The need for statistical information for planning and policy formulation has been expanded over the years due to market driven economy in various sectors necessitating a re-look at the Statistics Act.

3. All those issues were studied by the National Statistical Commission appointed by the Central Government. The Commission recommended that the Statistics Act needs to be amended as it covers only a part of the whole industrial sector, leaving out many survey programmes in the Government set-up wherein information is being collected presently on purely voluntary basis from households, enterprises, companies, public and private institutions, etc. It recommended that necessary legal provisions should be made either by expanding the scope of the Statistics Act or by passing a new Act.

4. In view of above, it is proposed to introduce the Collection of Statistics Bill, 2007 which is basically intended to enhance the scope of collection of statistics and to repeal the Collection of Statistics Act, 1953.

5. Some of the salient features of the Bill are as follows:—

(i) the scope has been enhanced to collect all kinds of statistics not only from industrial/commercial concerns but also from individuals and households; and the local governments such as Panchayats and Municipalities are also empowered to collect statistics under the Bill;

(ii) under this Bill, any Government Department/Organisation, either in the States or at the Centre or in the local government, may appoint a statistics officer for each subject of data collection and, or for each geographical unit;

(iii) necessary provisions have also been made in the Bill for ensuring support to any statistics officer appointed by the appropriate Government, in terms of providing necessary inputs, manpower, etc.;

(iv) the Central Government is empowered to make rules for avoiding duplication and for maintaining technical standards in data collection in respect of 'core statistics', which are important for the country for the purpose of ensuring methodological standards, timeliness, credibility and completeness;

(v) all methods of data collection including oral inerviews and filing of returns in electronic form have also been covered;

(vi) elaborate provisions have been made to ensure that the information collected under the Bill, shall not be used for any purpose other than for statistical purposes; and

(vii) the penalties for offences, such as refusal to furnish information, have been rationalized and the offences have been proposed to be tried in a summary way to avoid prolonged litigation.

6. The Bill seeks to achieve the aforesaid objectives.

NEW DELHI; G. K. VASAN.

The 8*th May,* 2007.

Notes on Clauses

Clause 2 seeks to define various expression used in the Bill.

Clause 3 empowers the appropriate Government, namely, the Central Government or a State Government or Union territory Administration or any local government such as Panchayats and Municipalities to issue any direction by issuing a notification in the Official Gazette, for collection of the statistics on economic, demographic, social, scientific and environmental aspects, subject to the restriction contained in the proviso to clause 3.

Clause 4 empowers the appropriate Government to appoint statistics officer for any geographical unit for collection of statistics. The appropriate Government may employ, on contract basis any agency, etc., or delegate this power to any statistics officer, as may be necessary for the purpose of collection of statistics. It also makes provision for specifying the form and the manner in which the information may be furnished, or delegate such power to any statistics officer.

Clause 5 provides for the powers of the statistics officer to call for information in the form of returns or through interviews or such other methods including electronic modes.

Clause 6 provides for duty of informant to furnish any information, so asked in the prescribed manner, to the best of his knowledge or belief to the statistics officer.

Clause 7 provides that every agency shall render such help and assistance and furnish such information to other agency or statistics officer as it may require and shall make available for inspection and examination of such records, plans and other documents, as may be necessary.

Clause 8 provides that the statistics officer or any person authorised by him in writing in this behalf shall have access to any relevant record or document in the possession of any information required to be furnished any information under the provisions of the Bill for the purposes of collection of statistics and may enter at any reasonable time any premises where he believes that such record or document is kept; and may inspect and take copies of it and ask any question necessary for obtaining information required to be furnished under the Bill.

Clause 9 provides that any information furnished to statistics officer or any person or agency authorised under this Act shall be used for the statistical purpose only and no person other than engaged in the work of collection of statistics shall be permitted to see any information schedule or any answer to a question asked, except for the purposes of a prosecution under this Bill. It provides that no such information or answer shall be separately published or disclosed without suppressing the identification of informants. It also provides that all the statistical information published by any agency shall be arranged in such a manner so as to prevent any particulars becoming indentifiable by any person other than the informant by whom those particulars were supplied.

Clause 10 empowers the authorised agency to disclose any information supplied by informants in respect of which disclosure is consented to by the informant in writing; or any information otherwise available to public under any Act as a public document; or the information in the form of an index or list of the names and addresses of the informants together with the classification, if any, allotted to them and the number of persons engaged.

Clause 11 empowers the authorised agency to disclose individual returns or forms, or information schedules to other agency or person or institute or university solely for *bona fide* research or statistical purposes. It provides that no such information shall be discloused unless the name and address of informants is deleted; or every agency or person or institution or university involved in the research makes a declaration to use the information only for *bona fide* research purposes; and the authorised agency is satisfied with the declaration so made. It also provides that the published results of any research or statistical project shall not divulge more information than what the authorised agency

could publish in accordance with the povisions of the Bill and every agency or person or institution or university to whom the information is disclosed under this clause shall comply with the directions given by the authorised agency.

Clause 12 empowers the authorised agency to release such information which in the opinion of the agency have attained historical importance.

Clause 13 provides that the statistics officer or any person or any agency authorised for collection of statistical information shall take such steps as are necessary to ensure that security provisions of the Bill have been complied with while copying or recording any information collected pursuant to the Bill.

Clause 14 restricts that any information obtained pursuant to the provisions of the Bill shall not be disclosed and no person who has access to such information shall be compelled to disclose such information in any proceedings, whatsoever, except in the manner provided in the Bill.

Clause 15 provides that whoever fails to produce any books of account, documents, etc., or neglects or refuses to fill in and supply the particulars required in any information schedule or return or whoever neglects or refuses to answer any question or enquiry addressed to him shall be punishable with a fine which may extend to one thousand rupees or in case of a company which may extend to five thousand rupees. It also provides that conviction under this clause shall not relieve any person from the obligation of providing such information and if after expiry of a period of 14 days from the date of such conviction, he, still fail to give the required particulars or refuses to fill in or supply the particulars, he shall be punishable with a fine which may extend to one thousand rupees and in case of a company with a fine which may extend to five thousand rupees for each day after the first during which the failure continues.

Clause 16 provides that whoever makes any false or misleading statement or material omission in the information schedule or return, etc., shall be punishable with a fine which may extend to one thousand rupees or in the case of a company which may extend to five thousand rupees.

Clause 17 provides that whoever destroys, defaces, removes or mutilates any information schedule, etc., shall be punishable with a fine which may extend to two thousand rupees and in case of a company with a fine which may extend to ten thousand rupees.

Clause 18 provides that whoever interferes with, hinders or obstructs any employee in exercise of any power or duty confered under the Bill, shall be punishable with a fine which may extend to two thousand rupees and in case of a company which may extend to ten thousand rupees.

Clause 19 provides that whoever acts in contravention or fails to comply with any provisions of the Bill or any requirement imposed under the Bill or wilfully deceives or atempts to deceive any statistics officer or an agency or employee, shall be punishable with a fine which may extend to two thousand rupees and in case of a company with a fine which may extend to ten thousand rupees.

Clause 20 provides the penalty for failure to carry out duties and functions by the employees. It provides that if any person employed in the execution of any duty or functions under the Bill or omits without lawful excuse to carry out his duty; or knowingly makes any false declaration, etc.; or pretends in the performance of his duties or obtains or seeks to obtain information which he is not authorised to obtain; or fails to keep or inviolate the secrecy of the information gathered or entered in the information shcedule, collected pursuant to this Bill and, except as permitted under this Bill, divulge the contents of any schedule or information, shall be punishable with a fine which may extend to two thousand rupees and in case of a company with a fine which may extend to ten thousand rupees.

Clause 21 provides for the penalty for impersonation of an employee. It provides that whoever, not being authorised to collect the statistics under the provisions of the Bill, by words, conduct or demeanor pretends that he is authorised to do so, shall be punishable with a fine which may extend to two thousand rupees and in case of a company which may extend to ten thousand rupees.

Clause 22 provides that whoever commits an offence under this Bill and for which no penalty has been provided elsewhere shall be punishable with a fine which may extend to two thousand rupees and in case of a company with a fine which may extend to ten thousand rupees.

Clause 23 provides that no court shall take cognizance of an offence except on a complaint made by the appropriate Government or an officer authorised in this behalf by that Government or by the statistics officer and it also provides that no court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence punishable under the Bill.

Clause 24 provides for the sanction of the statistics officer for prosecution for an offence committed by any informant and for the sanction of the appropriate Government for prosecution for an offence committed by persons other than informants.

Clause 25 provides that notwithstanding anything contained in the Code of Criminal Procedure, 1973 all offences under the Bill shall be tried in a summary way, and the provisions of sections 262 to 265 (both inclusive) of the said Code shall, as far as may be, apply to such a trial. It also provides that if it appears to a Magistrate that the nature of the case is such that it is, for any reason, not desirable to try the case summarily, the Magistrate shall after hearing the parties, record an order to that effect and thereafter proceed to hear or rehear the case in the manner provided in the said Code.

Clause 26 empowers the Central Government, without prejudice to the provisions contained in the Bill, to declare from time to time any subject for collection of statistics of national importance as 'core statistics' and make such arrangement as it may consider necessary for collection and dissemination of statistics on the subject so declared.

Clause 27 empowers the Central Government to give directions to any State Government or Union territory Administration or to any local government that is to say Panchayats or municipalities as to the carrying into the execution of this Bill in the State or Union territory or Panchayats or municipalities.

Clause 28 declares the statistics officer and any person authorised for collection of statistics or preparation of official statistics under the Bill to be a public servant within the meaning of section 21 of the Indian Penal Code.

Clause 29 provides bar of jurisdiction of a civil court. It provides that the civil courts shall have no jurisdiction to entertain any suit or proceeding in respect of any matter for which the appropriate Government or statistics officer or agency is empowered under the Bill and any court or authority shall not grant any injunction is respect of any action taken or to be taken in pursuance of any power conferred under the Bill.

Clause 30 makes provisions so as to provide for protection of action taken in good faith by the appropriate Government or agency or any statistics officer or other officer or employees in pursuance of the directions given by the said authorities.

Clause 31 gives overriding effect to the provisions of this Bill on any other laws for the time being in force except in relation to the conduct of human population census as per the directions, if any, issued under the Census Act, 1948.

Clause 32 empowers the Central Government to make rules to carry out the provisions of the Bill. It enumerates matters with respect to which the Central Government shall have the power to make rules under the Bill. It also provides for laying of rules before each House of Parliament.

Clause 33 provides for the repeal of the Collection of Statistics Act, 1953. It provides that anything done or any action taken under the said Act shall be deemed to have been done or taken under the corresponding provisions of the Bill. It also provides for continuance of all rules made under the said Act till new rules are made under this Bill.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 32 of the Bill empowers the Central Government to make rules to carry out the provisions of the Bill. Such rules may, *inter alia,* provide for principles for—

(i) coordinating among different agencies or instrumentalities of the Central Government and State Governments to achieve the objectives of clause 3 and to avoid duplication in collection of statistics;

(ii) prescribing the form and manner in which information may be obtained or furnished under the relevant provisions of the Bill; and

(iii) prescribing the manner in which the right of access to records, documents and the right of entry conferred by clause 8 may be exercised.

2. The matters in respect of which rules may be made under the aforesaid provision are matters of procedure and administrative detail and it is not practical to provide for them in the Bill. The rules made under the Bill are also required to be laid before Parliament. The delegation of legislative powers is, therefore, of a normal character.

RAJYA SABHA

A

BILL

to facilitate the collection of statistics on economic, demographic, social, scientific and environmental aspects, and for matters connected therewith or incidental thereto.

(Shri G.K. Vasan, Minister of State of the Ministry of Statistics and Programme Implementation)

MGIPMRND—2279RS(S1)—14-05-2007.

RAJYA SABHA

NOTICE OF AMENDMENTS

THE COLLECTION OF STATISTICS BILL, 2007

(As introduction in the Rajya Sabha)

[To be moved at a sitting of the Rajya Sabha]

ENACTING FORMULA

BY SHRI G.K. VASAN:

1. That at page 1, line 1, ***for*** the word "Fifty-eighth", the word "Fifty-ninth" be ***substituted***.

CLAUSE 1

BY SHRI G.K. VASAN:

2. That at page 1, line 5, ***for*** the figure "2007" the figure "2008" be ***substituted.***

CLAUSE 2

BY SHRI G.K. VASAN:

3. That at page 1, lines 13 and 14, the words "or its instrumentality" be ***deleted.***

4. That at page 2, line 2, the words "or its instrumentality" be ***deleted.***

CLAUSE 4

BY SHRI G.K. VASAN:

5. That at page 3, line 15, ***for*** the words "as may be necessary", the words "on such terms and conditions and on such safeguards as may be prescribed" be ***substituted***.

CLAUSE 7

BY SHRI G.K. VASAN:

6. That at page 3, line 46, ***for*** the words "to other agency or any statistics officer as it may require for the discharge of its or his" the words "to the statistics officer or a person or an agency authorised by him in writing, as he may require for the discharge of his" be ***substituted***.

CLAUSE 10

BY SHRI G.K. VASAN:

7. That at page 4, lines 29 and 30, ***for*** the words "the agency authorised for collection of statistics", the words "the appropriate Government" be ***substituted***.

CLAUSE 11

BY SHRI G.K. VASAN:

8. That at page 4, lines 38 and 39, ***for*** the words "the agency authorised for collection of statistics", the words "the appropriate Government" be ***substituted***.

9. That at page 5, line 4, ***for*** the words "the agency authorised for collection of statistics", the words "the appropriate Government" be ***substituted***.

CLAUSE 12

BY SHRI G.K. VASAN:

10. That at page 5, lines 14 and 15, ***for*** the words "the agency authorised for collection of statistics", the words "the appropriate Government" be ***substituted***.

11. That at page 5, line 16, ***for*** the words "in the opinion of such agency", the words "in its opinion" be ***substituted***.

CLAUSE 16

BY SHRI G.K. VASAN:

12. That at page 6, line 3, ***after*** the word "Whoever", the word "wilfully" be ***inserted***.

13. That at page 6, line 5, ***after*** the words "shall be punishable", the words "with simple imprisonment for a term which may extend to six months or" be ***inserted***.

14. That at page 6, line 7, ***after*** the word "rupees", the words "or with both" be ***inserted***.

CLAUSE 17

BY SHRI G.K. VASAN:

15. That at page 6, line 10, ***after*** the words "shall be punishable", the words "with simple imprisonment for a term which may extend to six months or" be ***inserted***.

16. That at page 6, line 11, ***after*** the word "rupees", the words "or with both" be ***inserted***.

CLAUSE 18

BY SHRI G.K. VASAN:

17. That at page 6, line 13, ***after*** the words "shall be punishable", the words "with simple imprisonment for a term which may extend to six months or" be ***inserted***.

18. That at page 6, line 15, ***after*** the word "rupees", the words "or with both" be ***inserted***.

CLAUSE 19

BY SHRI G.K. VASAN:

19. That at page 6, line 21, ***after*** the words "shall be punishable", the words "with simple imprisonment for a term which may extend to six months or" be ***inserted***.

20. That at page 6, line 22, ***after*** the word "rupees", the words "or with both" be ***inserted***.

CLAUSE 20

BY SHRI G.K. VASAN:

21. That at page 6, line 33, ***after*** the words "shall be punishable", the words "with simple imprisonment for a term which may extend to six months or" be ***inserted***.

22. That at page 6, line 34, ***after*** the word "rupees", the words "or with both" be ***inserted***.

CLAUSE 21

BY SHRI G.K. VASAN:

23. That at page 6, line 37, ***after*** the words "shall be punishable", the words "with simple imprisonment for a term which may extend to six months or" be ***inserted***.

24. That at page 6, line 38, ***after*** the word "rupees", the words "or with both" be ***inserted***.

CLAUSE 22

BY SHRI G.K. VASAN:

25. That at page 6, line 40, ***after*** the words "shall be punishable", the words "with simple imprisonment for a term which may extend to six months or" be ***inserted***.

26. That at page 6, line 42, ***after*** the word "rupees", the words "or with both" be ***inserted***.

NEW CLAUSE 22A

BY SHRI G.K. VASAN:

27. That at page 6, ***after*** line 42, the following be ***inserted***, namely:- **Insertion of New clause 22A.**

'22A. (1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly: **Offences by companies.**

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Explanation- For the purpose of this section-

(a) "company" means any body corporate and includes a firm or other association of individuals; and

(b) "Director", in relation to a firm, means a partner in the firm'.

CLAUSE 32

BY SHRI G.K. VASAN:

28. That at page 8, line 2, ***after*** the word and figure "section 3", the words "including nomination and registration of statistics officers by the Central

Government" be ***inserted***.

29. That at page 8, ***after*** line 2, the following be ***inserted***, namely:-

"(*b*) the terms, conditions and safeguards under which any person or agency or company or organization or association may be engaged by the appropriate Government for the purpose of collection of statistics under sub-section (3) of section 4;".

30. That at page 8, line 3, ***for*** the bracket and alphabet "(*b*)", the bracket and alphabet "(*c*)" be ***substituted***.

31. That at page 8, line 5, ***for*** the bracket and alphabet "(*c*)", the bracket and alphabet "(*d*)" be ***substituted***.

32. That at page 8, line 7, ***for*** the bracket and alphabet "(*d*)", the bracket and alphabet "(*e*)" be ***substituted***.

New Delhi;
October 3, 2008.

V.K. AGNIHOTRI,
SECRETARY GENERAL.

रजिस्ट्री सं० डी० एल०—(एन)04/0007/2003—09 REGISTERED NO. DL—(N)04/0007/2003—09

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The Gazette of India

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 9th January, 2009/*Pausa* 19, 1930 *(Saka)*

The following Act of Parliament received the assent of the President on the 7th January, 2009, and is hereby published for general information:—

THE COLLECTION OF STATISTICS ACT, 2008

No. 7 OF 2009

[*7th January,* 2009.]

An Act to facilitate the collection of statistics on economic, demographic, social, scientific and environmental aspects, and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-ninth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

Short title, extent and commencement

1. (*1*) This Act may be called the Collection of Statistics Act, 2008.

(*2*) It extends to the whole of India except the State of Jammu and Kashmir.

(*3*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions

2. In this Act, unless the context otherwise requires,—

(*a*) "agency" includes a person or persons engaged by the appropriate Government, directly or by outsourcing, for collection of statistics;

(*b*) "appropriate Government" means—

(*i*) any Ministry or Department in the Central Government; or

(*ii*) any Ministry or Department in a State Government or Union territory Administration; or

(*iii*) any local government that is to say, Panchayats or Municipalities, as the case may be,

in relation to the collection of statistics under a direction issued by it under section 3;

(*c*) "informant" means any person, who supplies or is required to supply statistical information and includes a owner or occupier or person in-charge or his authorised representative in respect of persons or a firm registered under the Indian Partnership Act, 1932 or a co-operative society registered under any Co-operative Societies Act or a company registered under the Companies Act, 1956 or a society registered under the Societies Registration Act, 1860 or any association recognised or registered under any law for the time being in force; 9 of 1932. 1 of 1956. 21 of 1860

(*d*) "information schedule" means any book, document, form, card, tape, disc or any storage media on which information required is entered or recorded or is required to be entered or recorded for statistical purposes under this Act;

(*e*) "prescribed" means prescribed by rules made under this Act;

(*f*) "sampling" means a statistical procedure by which information relating to a particular field of inquiry is derived by applying statistical techniques to information obtained in respect of a proportion of the total number of persons or units concerned relevant to the field of inquiry;

(*g*) "statistical survey" means a census or a survey, whereby information is collected from all the informants in the field of inquiry or from a sample thereof, by an appropriate Government under this Act or any other relevant Act, wholly or primarily for the purposes of processing and summarising by appropriate statistical procedures;

(*h*) "statistics" means statistics derived by collecting, classifying and using statistics, specially in or for large quantities or numbers by appropriate Government from statistical surveys, administrative and registration records, and other forms and papers, the statistical analysis of which are, whether in a published or unpublished form;

(*i*) "statistics officer" means any officer appointed under section 4 for the purposes of any direction issued under section 3 of this Act.

CHAPTER II

COLLECTION OF STATISTICS

Collection of statistics.

3. The appropriate Government may, by notification in the Official Gazette, direct that the statistics on economic, demographic, social, scientific and environmental aspects shall be collected through a statistical survey or otherwise, and thereupon the provisions of this Act shall apply in relation to those statistics:

Provided that—

(*a*) nothing contained in this section shall be deemed to authorise a State Government or Union territory Administration or any local government to issue any direction with respect to the collection of statistics relating to any matter falling under any of the entries specified in List I (Union List) in the Seventh Schedule to the Constitution; or

(*b*) where the Central Government has issued any direction under this section for the collection of statistics relating to any matter, no State Government or Union territory Administration or any local government shall, except with the previous approval of the Central Government, issue any similar direction for so long as the collection of such statistics by the Central Government remain to be completed; or

(*c*) where a State Government or Union territory Administration or any local government has issued a direction under this section for the collection of statistics relating to any matter, the Central Government shall not issue any similar direction for so long as the collection of such statistics by the State Government remain to be completed, except in cases where such statistics have to be collected with reference to two or more States or Union territories.

Powers of appropriate Government to appoint statistics officer, etc.

4. (*1*) The appropriate Government may appoint or cause to appoint an officer to be the statistics officer for any geographical unit for the purpose of collecting any statistics directed by it.

(*2*) The appropriate Government may appoint any agency or persons working in such agencies to take, or aid in, or supervise the collection of the statistics within any specified geographical unit and such agencies or persons, when so appointed, shall be bound to serve accordingly.

(*3*) The appropriate Government may employ on contract basis any agency or company or organisation or association or person, on such terms and conditions and on such safeguards as may be prescribed, for the purpose of collecting the statistics directed by it.

(*4*) The appropriate Government may delegate to any statistics officer, as it thinks fit, the power of appointing agencies or persons working in such agencies or employing on contract basis any agency or company or organisation or association of persons, conferred on it by sub-sections (*2*) and (*3*) within the geographical unit for which such statistics officer is appointed.

(*5*) The appropriate Government may, by order specify the form, the particulars required or the interval within which, and the statistics officer to whom, the statistical information by the informants shall be furnished.

(*6*) The appropriate Government may, by order published in the Official Gazette, delegate to any statistics officer, as it thinks fit, any power conferred under sub-section (*5*) for the purpose of the collection of statistics under a direction issued by it under section 3.

Power of statistics officer to call for information.

5. The statistics officer may, for the purpose of collection of statistics on any specified subject in any geographical unit for which the said officer was appointed—

(*a*) serve or cause to be served on any informant a notice in writing asking him to furnish the information specified under sub-section (*5*) of section 4 or cause a information schedule to be given to any informant for the purpose of its being filled up; or

(*b*) cause all questions relating to the subject to be asked from any informant; or

(*c*) seek information through tele fax or telephone or e-mail or in any other electronic mode or in a combination of different modes for different sets of information so specified.

Duty of informants.

6. The informants who are asked to furnish any information under the provisions of this Act shall be bound to furnish the information so asked in the prescribed manner to the best of knowledge or belief; and in cases where only a portion of a particular class or group of persons or units is asked to furnish information because of any sampling procedure, it shall not be a defence in failure on the part of any informant to furnish that information, if so asked.

All agencies to assist.

7. Every agency shall render such help and assistance and furnish such information to the statistics officer or a person or an agency authorised by him in writing, as he may require for the discharge of his functions, and shall make available for inspection and examination of such records, plans and other documents, as may be necessary.

Right of access to records or documents.

8. The statistics officer or any person authorised by him in writing in this behalf shall, for the purposes of collection of any statistics under this Act, have access to any relevant record or document in the possession of any informant required to furnish any information under this Act, and may enter at any reasonable time any premises where he believes such record or document is kept and may inspect or take copies of relevant records or documents or ask any question necessary for obtaining any information required to be furnished under this Act.

CHAPTER III

DISCLOSURE OF INFORMATION IN CERTAIN CASES AND RESTRICTIONS OF THEIR USE

Security of information.

9. (*1*) Any information furnished to the statistics officer or to any person or agencies authorised under this Act shall only be used for statistical purposes.

(*2*) No person other than a person engaged in the work of collection of statistics under this Act or preparation of statistics resultant to such collection shall be permitted to see any information schedule or any answer to a question asked, except for the purposes of a prosecution under this Act.

(*3*) No information contained in any information schedule and no answer to any question asked shall, except for the purposes of a prosecution under this Act, be separately published, or disclosed without suppressing the identification of informants to any agency.

(*4*) All statistical information published by any agency shall be arranged in such a manner so as to prevent any particulars becoming identifiable by any person (other than the informant by whom those particulars were supplied) as the particulars relating to the informant who supplied it, even through the process of elimination, unless—

(*a*) that informant has consented to their publication in that manner; or

(*b*) their publication in that manner could not reasonably have been foreseen by the concerned agency or any employee thereof.

(*5*) For the purposes of sub-section (*4*), the Central Government may make such rules or make such arrangement, as it may consider necessary.

Appropriate Government authorised to disclose certain information.

10. Notwithstanding the provisions contained in section 9 of this Act, the appropriate Government may disclose the following information, namely:—

(*a*) information supplied by informant in respect of which disclosure is consented to in writing by the informant or by any person authorised by the said informant;

(*b*) information otherwise available to the public under any Act or as a public document;

(*c*) information in the form of an index or list of the names and addresses of informants together with the classification, if any, allotted to them and the number of persons engaged.

Disclosure of information schedules for *bona fide* research or statistical purposes.

11. (*1*) Notwithstanding the provisions contained in section 9 of this Act, the appropriate Government may disclose individual returns or formats or information schedules to other agency or person or institutions or universities solely for *bona fide* research or statistical purposes pursuant to their functions and duties.

(*2*) No individual return or information schedule shall be disclosed pursuant to this section unless —

(*a*) the name and address of the informant by whom the schedule or related information was supplied is deleted;

(*b*) every agency or person or institutions or Universities involved in the research or statistical project makes a declaration to use the schedules disclosed to them only for *bona fide* research or statistical purposes; and

(*c*) the appropriate Government, making such disclosure is satisfied that the security of the schedules and any information contained therein shall not be impaired.

(*3*) The published results of any research or statistical project shall not divulge any more information than what the agency authorised for collection of statistics could publish under this Act.

(*4*) Every agency or person or institutions or universities to whom any individual return or information schedule is disclosed under this section shall comply with directions given by the agency authorised for collection of statistics making the disclosure relating to the schedules and any information contained therein.

Disclosure of historical documents.

12. Notwithstanding anything contained in section 9 of this Act, the appropriate Government may release such documents relating to information schedules, which in its opinion have attained historical importance.

Security of recorded information.

13. The statistics officer or any person or agency authorised for collection of statistics shall, while copying or recording any statistical information collected pursuant to this Act from individual returns, information schedules, worksheets or any other confidential source by means of cards, tapes, discs, film or any other method, whether using encoded or plain language symbols for processing, storage or reproduction of particulars, take and cause to take such steps as are necessary to ensure that the security provisions of this Act are complied with.

Restrictions on use of information.

14. Save as otherwise provided under this Act,—

(*a*) no information obtained pursuant to this Act and no copy of the information in the possession of any informant shall be disclosed or used as evidence in any proceedings whatsoever; and

(*b*) no person who has access to any information because of his official position in the collection of any statistics shall be compelled in any proceedings whatsoever to give oral testimony regarding the information or to produce any schedule, document, or record with respect to any information obtained in the course of administering this Act,

except in the manner provided under this Act.

CHAPTER IV

OFFENCES AND PENALTIES

Penalty for neglect or refusal to supply particulars.

15. (*1*) Whoever, fails to produce any books of accounts, vouchers, documents or other business records or whoever neglects or refuses to fill in and supply the particulars required in any information schedule or return given or sent to him or whoever neglects or refuses to answer any question or inquiry addressed to him as may be required under or for the purposes of any provision of this Act and the rules made thereunder, shall be punishable with a fine which may extend to one thousand rupees or, in the case of a company, with a fine which may extend to five thousand rupees.

(*2*) The conviction of a person or company for an offence shall not relieve him or it of the obligations under sub-section (*1*) and if after the expiry of fourteen days from the date of conviction, he or it still fails to give the required particulars or continues to neglect or refuses to fill in and supply the particulars or to answer the question or inquiry, then he or it shall be punishable with a further fine which may extend to one thousand rupees or, in the case of a

company, with a fine which may extend to five thousand rupees, for each day after the first during which the failure continues.

Penalty for making false statement.

16. Whoever, wilfully makes any false or misleading statement or material omission in any information schedule or return filled in or supplied, or in answer to any question asked to him under this Act or the rules made thereunder, shall be punishable with simple imprisonment for a term which may extend to six months or with a fine which may extend to one thousand rupees or, in the case of a company, with a fine which may extend to five thousand rupees or with both.

Penalty for mutilation or defacement of information schedule.

17. Whoever, destroys, defaces, removes, or mutilates any information schedule, form, or other document containing particulars collected under this Act or requesting any such particulars, shall be punishable with simple imprisonment for a term which may extend to six months or with a fine which may extend to two thousand rupees or, in the case of a company with a fine which may extend to ten thousand rupees or with both.

Penalty for obstruction of employees.

18. Whoever, interferes with, hinders, or obstructs any employee in the exercise of any power or duty conferred by this Act, shall be punishable with simple imprisonment for a term which may extend to six months or with a fine which may extend to two thousand rupees or, in the case of a company with a fine which may extend to ten thousand rupees or with both.

Penalty for other offences.

19. Whoever—

(*a*) acts in contravention of or fails to comply with any provision of this Act or any requirement imposed under this Act; or

(*b*) wilfully deceives or attempts to deceive any statistics officer or any agency or any employee thereof,

shall be punishable with simple imprisonment for a term which may extend to six months or with a fine which may extend to two thousand rupees or, in the case of a company, with a fine which may extend to ten thousand rupees or with both.

Penalty for failure to carry out duties and functions by employees.

20. If any person employed in the execution of any duty or functions under this Act,—

(*a*) omits without lawful excuse to carry out his duty, or knowingly makes any false declaration, statement or return; or

(*b*) pretends performance of his duties or obtains or seeks to obtain information which he is not authorised to obtain; or

(*c*) fails to keep inviolate the secrecy of the information gathered or entered in the information schedules collected pursuant to this Act and, except as permitted under this Act, divulges the contents of any schedule filled in or any information furnished by any informant under this Act,

shall be punishable with simple imprisonment for a term which may extend to six months or with a fine which may extend to two thousand rupees or, in the case of a company, with a fine which may extend to ten thousand rupees or with both.

Penalty for impersonation of employee.

21. Whoever, not being authorised to collect statistics under the provisions of this Act, by words, conduct or demeanor pretends that he is authorised to do so, shall be punishable with simple imprisonment for a term which may extend to six months or with a fine which may extend to two thousand rupees or, in the case of a company, with a fine which may extend to ten thousand rupees or with both.

General penalty.

22. Whoever, commits an offence under this Act for which no penalty is prescribed elsewhere than in this section, shall be punishable with simple imprisonment for a term which may extend to six months or with a fine which may extend to two thousand rupees or, in the case of a company, with a fine which may extend to ten thousand rupees or with both.

Offences by companies.

23. (*1*) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(*2*) Notwithstanding anything contained in sub-section (*1*), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purpose of this section—

(*a*) "company" means any body corporate and includes a firm or other association of individuals; and

(*b*) "Director", in relation to a firm, means a partner in the firm.

Cognizance of offences.

24. No court shall take cognizance of any offence under this Act except on a complaint made by the appropriate Government or an officer authorised in this behalf by such appropriate Government or, as the case may be, the statistics officer, and no court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence punishable under this Act.

Sanction for prosecution for offence.

25. No prosecution for an offence committed by any informant shall be instituted except by or with the sanction of the statistics officer, and no prosecution for an offence committed by persons other than informants shall be instituted except by or with the consent of the appropriate Government.

Power of court to try cases summarily.

2 of 1974.

26. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, all offences under this Act shall be tried in a summary way by a Judicial Magistrate of the first class or by a Metropolitan Magistrate and the provisions of sections 262 to 265 (both inclusive) of the said Code shall, as far as may be, apply to such trial:

Provided that when in the course of, a summary trial under this section it appears to the Magistrate that the nature of the case is such that it is, for any reason, undesirable to try the case summarily, the Magistrate shall after hearing the parties, record an order to that effect and thereafter recall any witness who may have been examined and proceed to hear or rehear the case in the manner provided by the said Code.

CHAPTER V

POWER IN RESPECT OF CORE STATISTICS

Power in respect of core statistics.

27. Without prejudice to the provisions contained in this Act, the Central Government may, by notification in the Official Gazette, declare from time to time any subject for the collection of statistics of national importance as 'core statistics' and make such arrangement, as it may consider necessary, for regulating the collection and dissemination of statistics on the subject so declared.

CHAPTER VI

MISCELLANEOUS

Power to give directions.

28. The Central Government may give directions to any State Government or Union territory Administration or to any local government that is to say Panchayats or Municipalities, as to the carrying into execution of this Act in the State or Union territory or Panchayats or Municipalities, as the case may be.

Public servants.

29. Any statistics officer and any person authorised for the collection of statistics or preparation of official statistics under the provisions of this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860.

45 of 1860.

Bar of jurisdiction.

30. No civil court shall have jurisdiction to entertain any suit or proceeding in respect of any matter which the appropriate Government or the statistics officer or the agency is empowered by or under this Act to determine, and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

Protection of action taken in good faith.

31. No suit or other legal proceedings shall lie against the appropriate Government or agency or any statistics officer or other officers or employees in respect of anything which is in good faith done or intended to be done in pursuance of this Act or the rules or directions issued thereunder.

Overriding effect.

32. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force except in relation to the conduct of human population census as per the directions, if any, issued under the Census Act, 1948. 37 of 1948

Power to make rules.

33. (*1*) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing power, the Central Government may make rules under this section for all or any of the following matters, namely:—

(*a*) principles for coordinating as effectively as possible to achieve the objectives of section 3 including nomination and registration of statistics officers by the Central Government and also to avoid unnecessary duplication in the collection of statistics;

(*b*) the terms, conditions and safeguards under which any person or agency or company or organisation or association may be engaged by the appropriate Government for the purpose of collection of statistics under sub-section (*3*) of section 4;

(*c*) principles for prescribing the form and manner in which the information may be required to be furnished;

(*d*) principles for prescribing the manner in which the right of access to documents and the right of entry conferred by section 8 may be exercised; and

(*e*) any other matter which is to be or may be prescribed under this Act.

(*3*) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Repeal and savings.

34. (*1*) The Collection of Statistics Act, 1953 is hereby repealed. 32 of 1953.

(*2*) Notwithstanding such repeal, anything done or any action taken under the said Act shall be deemed to have been done or taken under the corresponding provisions of this Act.

(*3*) All rules made under the said Act shall continue to be in force and operate till new rules are made under this Act.

T. K. VISWANATHAN,
Secy. to the Govt. of India.

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भारत का राजपत्र
The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

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सांख्यिकी और कार्यक्रम कार्यान्वयन मंत्रालय

अधिसूचना

नई दिल्ली, 9 जून, 2010

का.आ. 1416(अ).—सांख्यिकी संग्रहण अधिनियम, 2008 (2009 का 7) की धारा 1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्द्वारा जून, 2010 के 11वें दिवस को वह तिथि निर्धारित करती है जिस दिन से उक्त अधिनियम के प्रावधान लागू होंगे ।

[सं. एम-15011/1/2007-प्रशा. III]

अरविंद कुमार, संयुक्त सचिव

MINISTRY OF STATISTICS AND PROGRAMME IMPLEMENTATION

NOTIFICATION

New Delhi, the 9th June, 2010

S.O. 1416(E).—In exercise of the powers conferred by sub-section (3) of Section 1 of the Collection of Statistics Act, 2008 (7 of 2009), the Central Government hereby appoints the 11th of June, 2010 as the date on which the provisions of the said Act shall come into force.

[No. M-15011/1/2007-Admn. III]

ARVIND KUMAR, Jt. Secy.

2284 GI/2010

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and Published by the Controller of Publications, Delhi-110054.

MINISTRY OF STATISTICS AND PROGRAMME IMPLEMENTATION

NOTIFICATION

New Delhi, the 16th May, 2011

G.S.R. 387(E).— In exercise of the powers conferred by section 33 of the Collection of Statistics Act, 2008 (7 of 2009), the Central Government hereby makes the following rules, namely:-

COLLECTION OF STATISTICS RULES, 2011

1. Short title and commencement: (1) These rules may be called the Collection of Statistics Rules, 2011.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions: (1) In these rules, unless the context otherwise requires –

(a) 'Act' means the Collection of Statistics Act, 2008;
(b) "Form" means a form appended to these rules;
(c) 'nodal officer' means an officer designated as nodal officer under rule 3 of these rules;
(d) "personal information" means any information, whether true or not, and whether recorded in a material form or not, about an informant whose identity can reasonably be ascertained from such information;
(e) "reference period" means the time period over which the data collected reflects the characteristics of the units of enumeration;
(f) "State Government", in relation to a Union territory, means the Administration thereof; and
(g) "outsourcing" means making use of the services of a private service provider for the purposes of these rules.

(2) Words and expressions used but not defined herein shall have the meanings respectively assigned to them in the Act.

3. Nodal officer. – (1) The Central Government shall designate an officer not below the rank of a Joint Secretary to the Government of India in a nodal Department dealing with statistical matters, as the nodal officer for exercising powers and performing duties under these rules.

(2) Every State Government shall designate an officer not below the rank of a Deputy Secretary to the State Government in a nodal Department dealing with statistical matters, as the nodal officer for exercising powers and performing duties under these rules.

4. Powers and duties of nodal officer. - (1) The nodal officer designated by the Central Government under sub-rule (1) of rule 3 shall –

(a) maintain and update register of statistics officers appointed by the Central Government;

(b) obtain and maintain, from time to time, information on availability of statistics including unit-level data, whether collected under the provisions of the Act or not, with different Departments of the Central Government and nodal officers in the States;

(c) advise the Departments of the Central Government and the nodal officers in the States on steps to improve the statistical potential of administrative records to avoid conducting separate statistical surveys to collect statistics contained or purported to be contained in such administrative records;

(d) issue instructions from time to time on promoting the sharing of statistical information including unit-level data among different Departments of the Central Government and States to avoid unnecessary duplication of programmes of collection of statistics and resolve disputes or differences of opinion, if any, among them on the issue; and

(e) submit annual report to the Central Government on the working.

(2) The nodal officer designated by the State Government under sub-rule (2) of rule 3 shall –

(a) maintain and update a register of statistics officers appointed from time to time in the State;

(b) obtain and maintain from time to time information on availability of statistics including unit-level data, whether collected under the provisions of the Act or not, with different Government Departments and local governments in the State;

(c) advise the Departments of the State Government and local governments in the State on steps to improve the statistical potential of administrative records to avoid conducting separate statistical surveys to collect statistics contained or purported to be contained in such administrative records;

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(d) issue instructions from time to time on promoting the sharing of statistical information including unit-level data among Departments of the State Government and local governments in the State to avoid unnecessary duplication of programmes of collection of statistics and resolve disputes or differences of opinion, if any, among them on the issue; and

(e) obtain reports, as may be required, on the working of this Act from Government Departments and local governments in the State and submit annual reports on the working of this Act in the State to the nodal officer appointed by the Central Government.

5. Direction on collection of statistics.- (1) Any Department in a State Government or any local government in a State shall, before making a direction under section 3 of the Act for collection of statistics on any subject for any reference period in any geographical unit under its jurisdiction, consult the nodal officer in the State to avoid unnecessary duplication in collection of statistics.

(2) Any Department of the Central Government shall, before making a direction under section 3 of the Act for collection of statistics on any subject for any reference period in any geographical unit under its jurisdiction, consult the nodal officer of the Central Government to avoid unnecessary duplication in collection of statistics.

(3) The nodal officer shall, on receipt of any request under sub-rule (1) or sub-rule (2), as the case may be, within a period of one month render such advice as may be necessary to the concerned office to avoid unnecessary duplication in collection of statistics.

(4) The appropriate Government on receipt of advice under sub-rule (3) shall communicate to the nodal officer, the reasons in all cases of disagreement with such advice, at least fifteen days prior to issuing notification under section 3 of the Act.

(5) Every notification under section 3 of the Act shall contain the following particulars, namely: -

(a) subject and purpose for collection of statistics;
(b) geographical area for collection of statistics;
(c) method of data collection;
(d) nature of informants from whom data may be collected;
(e) period during which collection of statistics may be completed;
(f) reference period;
(g) nature of information to be collected;
(h) language in which information is to be furnished by informant;
(i) obligation of informant;

(j) nature of business records and other records which may be inspected; and
(k) the manner of inspection.

(6) A copy of every notification referred in sub-rule (5) shall be forwarded to the nodal officer of the Central Government and the nodal officer of the State concerned.

6. Principles for prescribing information schedules. - In respect of prescribing any information schedule for collection of statistics on any subject, the appropriate Government or a statistics officer, as the case may be, shall satisfy itself that –

(i) it has authority to direct collection of statistics on the subject under the Act subject to the restrictions given in the proviso to section 3 of the Act;
(ii) it has, for the purpose of finalising items on which information is to be collected, consulted the nodal officer to include the requirements of other Government Departments;
(iii) excessive demands would not be placed on the informants by making the direction and for the purpose field testing of information schedules has been carried out where necessary;
(iv) the range and detail in the information schedules specified for collection of statistics on any subject shall be limited to what is absolutely necessary;
(v) the reporting burden shall be spread as widely as possible over informant populations through appropriate sampling;
(vi) the information sought from business shall, as far as possible, be readily available from their accounts and electronic means are used where possible to facilitate their collection;
(vii) best estimates and approximations on any item of information sought shall be accepted when exact details are not readily available with any informant;
(viii) each information schedule used for collecting statistics from any informant has, where necessary, a provision for particulars on which information may be furnished at the discretion of the informant;
(ix) provision is made in each information schedule for filling up the details and appending the signature of the person concerned who would be engaged in the collection of statistics;
(x) indicate in each information schedule, for general information of informants prior to collection of statistics from them under the Act, its plan, if any, to disclose any information collected from them which in the opinion of the appropriate Government is otherwise available to the public under any other Act or as a public document or which is in the form of an index or list of the names and addresses of informants together with the classification, if any, allotted to them and the number of persons engaged; and

(xi) make a provision in each information schedule to obtain written consent from each informant whose information other than the information covered in clause (x), it proposes to disclose.

7. Appointment of statistics officers. - (1) Every notification under section 4 of the Act appointing the statistics officer shall contain the following particulars, namely: -

(a) name, designation and address of the officer appointed as statistics officer for each geographical unit for collection of statistics;
(b) details of any agency or company or organisation or association or person engaged for collection of statistics, and, terms and conditions of engagement and safeguards laid down for the purpose;
(c) the form and the particulars required or the interval within which, and the statistics officer to whom, the statistical information by the informants shall be furnished; and
(d) the powers, if any, delegated under sub-sections (4) or (6) of section 4 the Act to any statistics officer.

(2) Every statistics officer, immediately on his appointment, shall submit an undertaking in Form-I to the appropriate Government.

8. Registration of statistics officers. - The appropriate Government shall maintain a record of statistics officers in respect of their appointment, their terms and geographical areas for which they have been appointed, in Form-II.

9. Powers and functions of a statistics officer. - A statistics officer, appointed for the purposes of collection of statistics on any subject in any geographical unit, shall –

(i) take, aid in and supervise the collection of statistics;
(ii) cause agencies to be appointed or engaged for collection of statistics;
(iii) obtain undertaking from all the persons engaged in the collection of statistics in Form-I and forward them to the appropriate Government or to an officer authorised for the purpose by that Government;
(iv) devise or cause to devise relevant information schedules and the mode or modes of collection of statistics;
(v) allot or cause to allot work of collection of statistics in his jurisdiction to different persons and agencies engaged for the purpose;
(vi) provide all the relevant material to be distributed to agencies engaged and arrange for their training for facilitating collection of statistics;
(vii) cause to provide necessary publicity for collection of statistics at an appropriate time;
(viii) coordinate the work of all agencies during the period of collection of statistics and maintain liaison with local authorities for smooth conduct of the collection of statistics;

(ix) cause notices to informants for furnishing information issued under his signature, where necessary and cause acknowledgements received from such informants, to be kept in safe custody;

(x) take steps, in case of statistical surveys having the same set of informants with different reference periods, to issue only one notice to each informant indicating therein the information required to be furnished and the reference periods for which the information is required;

(xi) cause entry of persons authorsied by him in writing and carrying a photo-identity card issued by him into any premises of any informant for collection of statistics;

(xii) cause necessary assistance provided to informants requiring such assistance for furnishing the information sought;

(xiii) cause access to any informant to the information collected from that informant for facilitating intimation of corrections or amendments on any inaccurate information;

(xiv) cause verification of information furnished by any informant;

(xv) based on complaints or otherwise, take action against erring persons and others in accordance with the provisions of the Act and these rules;

(xvi) obtain from the agencies engaged in the collection of statistics, all the information schedules, all the undertakings obtained from persons engaged in collection of statistics, all other relevant records and documents on completion of their work and forward them with a certificate to that effect to the appropriate Government or to any officer authorised by that Government;

(xvii) carry out such other tasks as may be necessary for the successful collection of statistics; and

(xviii) submit periodical reports as may be specified by the appropriate Government.

10. Assistance in collection of statistics. - (1) Every Department of the Central Government or the State Government or the local governments shall furnish within such time and in such form as required, the list of informants and other information which is available with them, relevant for conducting any statistical survey under these rules to a statistics officer or any agency or person authorised by the appropriate Government upon receipt of a notice to that effect.

(2) The appropriate Government or a statistics officer, as the case may be, may write to any Department of the Central Government or the State Government or any local government specifying the nature of assistance required for collection of statistics under the Act and upon receipt of such communication, the latter shall comply with the requirement to the extent feasible.

(3) In cases of collection of statistics in disturbed areas, the police, the para-military and the armed forces shall provide such assistance as would be required by the concerned statistics officer.

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11. Duty to furnish information. - Subject to the provisions of section 6 of the Act,

(1) every informant shall, on demand, produce or give a copy of any books of accounts, vouchers, documents, or other business records or personal records or documents in his possession relevant to collection of statistics under the Act to any statistics officer or any person authorised by him in writing and carrying a photo-identity card issued by him, and the statistics officer or the authorised person, as the case may be, may take a copy or extract of such record or document; and

(2) the head of every family shall be responsible to furnish or cause to furnish the correct details of name and number of members, other particulars, records and documents, as may be required, of the family of which he is the head including dependants:

proyided that in so far as inmates of institutions, such as orphanages, old age homes, and mental asylums are concerned, the responsibility for providing or causing to provide the requisite details, records and documents shall lie with the head of the Institution.

12. General terms, conditions and safeguards for outsourcing. - Every contract or arrangement for collection of statistics under the Act by any person or agency or company or organisation or association shall be subject to the following terms, conditions, and safeguards, namely: -

(a) outsourcing arrangements shall be subject to a formal and comprehensive written contract;
(b) functions which are to be decided and enforced by the appropriate government under the Act shall not be outsourced;
(c) appropriate Government or a statistics officer authorised for the purpose by that Government shall have a right, of information and conduct or order on-site inspections in an outsourcing service provider's premises or place of work and right to cancel contract in case of unsatisfactory performance;
(d) every agency, engaged in collection of statistics, shall render such help and assistance and furnish such information to the statistics officer or a person or an agency authorised by him in writing, as he may require for the discharge of his functions, and shall make available for inspection and examination such records, plans and other documents, as may be necessary;
(e) persons engaged by any agency for collection of statistics, are made aware of the agency's obligations, and they shall submit a written undertaking in Form-I to the concerned statistics officer not to access, use, disclose or retain personal information except in performing their duties of employment or contractual obligations; and are informed that failure to comply with the provisions of the Act and these rules may be an offence rendering themselves for punishment as per the provisions of the Act;

(f) each person engaged in any activity relating to the collection of statistics shall be bound by the provisions of the Act and these rules, the violation of which shall render him punishable as per the provisions of the Act;

(g) provisions relating to disclosure of information and restrictions of their use under sections 9, 10, 11, 12, 13 and 14 of the Act and these rules shall have effect during the period of collection of statistics provided in the contract and shall continue to have effect even after the termination or completion of the contract, as the case may be;

(h) the appropriate Government or any statistics officer on receipt of any complaint shall immediately communicate the agency engaged in collection of statistics of only those details of the complaint, as may be necessary to minimize any breach or prevent further breaches of the agreement or failure to comply with any of the provisions of the Act or these rules;

(i) if any agency engaged in collection of statistics receives any complaint from any informant, it shall immediately communicate the complaint to the appropriate Government or the concerned statistics officer, as may be required;

(j) the appropriate Government or the statistics officer may, on receipt of any communication under clauses (h) or (i), give directions, as may be necessary, to the agency; and

(k) the statistics officer and every person engaged in the collection of statistics shall, on completion of their work, handover all the records and documents and furnish a certificate to that effect to the appropriate Government or to an officer authorised for the purpose by that Government.

13. Restrictions on use of personal information. - Each agency engaged in collection of statistics shall take all reasonable measures to ensure that -

(a) personal information is protected against unauthorised access, disclosure or other misuse;

(b) the agency uses personal information only for the purpose of fulfilling its obligations under a specified contract;

(c) in case of repetitive statistical surveys with a common set of informants, the agency uses the personal information earlier collected only for the purpose of setting up interviews with or otherwise contacting informants; and

(d) the agency uses personal information for data processing only with adequate security checks.

14. Right of entry into any premises of informants. - A statistics officer or any person authorised by him in writing and carrying a photo-identity card issued by the statistics officer, shall, during the period of collection of statistics for the purpose of collection of statistics under the Act or for inspection and examination of records, and documents in connection with it, during 10.00 hrs to 17.00 hrs on any day or at a time mutually convenient to both the parties have the right to enter the premises of any informant in the portion of the premises normally entered by visitors or guests or as suggested by the informant.

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15. Processing of complaints - (1) In cases of alleged offences committed by any informant as per provisions of the Act, any statistics officer, after making such inquiries as deemed fit, may cause a notice issued to the informant in writing to show cause within a reasonable period to be specified in the notice as to why prosecution under the Act shall not be sanctioned for committing the alleged offence.

(2) A statistics officer shall consider the explanation, if any, furnished by the informant in pursuance to the notice issued under sub-rule (1), and after satisfying himself, for reasons to be recorded in writing, sanction for institution of prosecution of the informant.

(3) In case of any alleged offences committed by any person other than an informant, the appropriate Government may, after making such inquiries as deemed fit, cause a notice issued to the person in writing to show cause within a reasonable period to be specified in the notice as to why prosecution under the Act shall not be sanctioned for committing the alleged offence.

(4) The appropriate Government may, if it considers necessary, send a copy of the show-cause notice issued under sub-rule (3) of this rule and the explanation, if any, received from the alleged offender to the concerned statistics officer and obtain his recommendation on it, and after considering the explanation of the alleged offender and recommendation of statistics.

16. Storage of data and records. - Subject to the provisions of section 13 of the Act, the appropriate Government or an officer authorised by that Government shall, provide details by which any informant could access his own information for facilitating intimation of corrections or amendments on any inaccurate information, store the statistics collected under the provisions of the Act in such a manner as would facilitate easy retrieval of information collected from any informant so as to provide access to the informant, if necessary and keep all the undertakings and other material obtained from the statistics officers and other persons or agencies engaged in collection of statistics in safe custody.

Form-I

[See rules 7 (2), 9 (iii), 12 (e)]

Undertaking by statistics officer and other persons to be engaged in any capacity for collection of statistics under the provisions of the Collection of Statistics Act, 2008 (7 of 2009)

I, _____ (Full Name), born on ___ (Date of birth), son/ daughter/ wife of _____ (Name of person) resident of _____ (address) do hereby solemnly affirm, that I accept the responsibility _____ (nature of work) assigned to me for collection of statistics in respect of _____ (direction under section 3 of the Act) under the Collection of Statistics Act, 2008 (7 of 2009) and the Collection of Statistics Rules, 2011, that I shall not access, use, disclose or retain personal information of any informant except in performing my duties of employment or contractual obligations in respect of collection of statistics, and that in case of any violation on my part to comply with the provisions of the Act and the rules made thereunder, and I shall render myself punishable as per the provisions of the Act.

Place: ___
Date: ___

Signature of statistics officer or the person engaged in any capacity for collection of statistics

Form-II
(See rule 8)

Register of statistics officers to be maintained by the appropriate Government

1. Details of the direction issued under section 3 of the Collection of Statistics Act, 2008:

2. Name and address of the appropriate Government making direction:

3. Details of statistics officers appointed for collection of statistics under the aforesaid direction:

S. No.	Name of statistics officer	Permanent address	Educational qualifications and experience, if any, in collection of statistics	Geographical unit for which appointed and period of appointment	Powers, if any, delegated under section 4 (4) and (6) of the Act
(1)	(2)	(3)	(4)	(5)	(6)

Date of appointment	Date of termination of appointment
(7)	(8)

Place: ___
Date: ___

Signature with office seal of the officer
responsible for maintaining
the record of statistics officers

[F. No. M-15011/1/2007-Admn. III]
Prof. T.C.A. ANANT, Secy.

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रजिस्ट्री सं० डी० एल०-33004/99

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भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY
भाग II—खण्ड 3—उप-खण्ड (i)
PART II—Section 3—Sub-section (i)
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सांख्यिकी और कार्यक्रम कार्यान्वयन मंत्रालय

शुद्धि-पत्र

नई दिल्ली, 8 सितम्बर, 2011

सा.का.नि. 665(अ).—भारत के राजपत्र, असाधारण, भाग II, खण्ड 3, उप-खण्ड (i) में प्रकाशित सांख्यिकी और कार्यक्रम कार्यान्वयन मंत्रालय की दिनांक 16 मई, 2011 की सा.का.नि. 387(अ), अधिसूचना संख्या 254, में अधिसूचना के पृष्ठ-9 पर नियम 15 के उप-नियम (4) को नीचे दिए गए अनुसार पढ़ा जाए ।

"(4) यदि समुचित सरकार उचित समझे तो इस नियम के उप-नियम (3) के अधीन जारी हेतुक दर्शित करने वाली सूचना और अभिकथित अपराधी से प्राप्त स्पष्टीकरण की प्रति, यदि कोई हो, तो, को संबंधित सांख्यिकी अधिकारी को भेज सकेगी और उस पर उसकी सिफारिशें अभिप्राप्त कर सकेगी तथा अभिकथित अपराधी के स्पष्टीकरण और सांख्यिकी अधिकारी की सिफारिश, यदि कोई हो, तो, पर विचार करने के बाद अभियोजन संस्थित करने की स्वीकृति दे सकेगी ।"

2. राजपत्र अधिसूचना की अन्य विषय सामग्री अपरिवर्तित रहेगी ।

[पृष्ठांकन सं. एम-15011/1/2007-प्रशा. III]

अरविन्द कुमार, संयुक्त सचिव

MINISTRY OF STATISTICS AND PROGRAMME IMPLEMENTATION

CORRIGENDUM

New Delhi, the 8th September, 2011

G.S.R. 665(E).—In the Notification of the Government of India, Ministry of Statistics and Programme Implementation, number 254 dated 16th May, 2011 bearing G.S.R. 387(E) and published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), the sub-rule (4) of rule 15 at page-20 of the notification shall be read as follows.

"(4) The appropriate Government may, if it considers necessary, send a copy of the show-cause notice issued under sub-rule (3) of this rule and the explanation, if any, received from the alleged offender to the concerned statistics officer and obtain his recommendation on it, and after considering the explanation of the alleged offender and recommendation of statistics officer, if any, sanction the institution of prosecution."

2. The other contents of the Gazette Notification shall remain unchanged.

[Endt. No. M-15011/1/2007-Admn. III]

ARVIND KUMAR, Jt. Secy.

3391 GI/2011

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रजिस्ट्री सं० डी० एल०-33004/99 REGD. NO. D. L.-33004/99

भारत का राजपत्र
The Gazette of India

असाधारण
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PART I—Section 1
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सं. 191] नई दिल्ली, बुधवार, जून 15, 2016/ज्येष्ठ 25, 1938
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सांख्यिकी और कार्यक्रम कार्यान्वयन मंत्रालय

अधिसूचना

नई दिल्ली, 15 जून, 2016

फा. सं. पी-11021/1/2015-सीएपी.—संयुक्त राष्ट्र महासभा ने दिनांक 29 जनवरी, 2014 को आयोजित अपनी 73वीं पूर्ण बैठक में शासकीय सांख्यिकी के दस संयुक्त राष्ट्र मूलभूत सिद्धांतों (संकल्प 68/261) को अंगीकार किया है।

2. भारतीय सांख्यिकीय प्रणाली, शासकीय सांख्यिकी के संग्रहण, संकलन और प्रसार की पद्धति की बुनियाद व्यावसायिक स्वतंत्रता, निष्पक्षता, जवाबदेही और पारदर्शिता के सिद्धांतों पर आधारित है, जो वृहत रूप से शासकीय सांख्यिकी पर संयुक्त राष्ट्र मूलभूत सिद्धांतों के अनुरूप है। केंद्रीय मंत्रालयों/विभागों तथा राज्य सरकारों द्वारा इन मूलभूत सिद्धांतों के अंगीकरण से शासकीय सांख्यिकी में जनता का भरोसा बढ़ेगा।

3. भारत सरकार एतद्वारा, इस अधिसूचना के साथ अनुसूची के रूप में संलग्न शासकीय सांख्यिकी के दस मूलभूत सिद्धांतों को तत्काल प्रभाव से अंगीकार करता है।

अरूण कुमार यादव, संयुक्त सचिव

अनुसूची

शासकीय सांख्यिकी के सिद्धांत

सिद्धांत 1. शासकीय आंकड़े किसी जनतांत्रिक समाज के सूचना तंत्र में अपरिहार्य तत्व मुहैया कराते हैं, इनसे सरकार, अर्थव्यवस्था तथा जनता को आर्थिक, जनांनिकी, सामाजिक और पर्यावरणीय स्थिति के बारे में आंकड़े उपलब्ध होते हैं। अन्ततः, शासकीय आंकड़े जो व्यावहारिक उपयोगिता में परीक्षण को पूरा करते हैं, संकलित किए जाने चाहिए तथा नागरिकों की सार्वजनिक सूचना को हकदारी की मान्यता देते हुए शासकीय सांख्यिकी संस्थाओं द्वारा बिना किसी पक्षपात के उपलब्ध कराए जाने चाहिए।

सिद्धांत 2. शासकीय आंकड़ों की विश्वसनीयता बनाए रखने के लिए, सांख्यिकी संस्थाओं को सांख्यिकी आंकडों के संग्रहण, विधायन, भंडारण तथा प्रस्तुतीकरण हेतु पद्धतियों और प्रक्रियाओं पर वैज्ञानिक सिद्धांतों और व्यावसायिक नीतियों सहित कई व्यावसायिक नजरिए के अनुसार निर्णय लेने की आवश्यकता है।

सिद्धांत 3. आंकड़ों की सही व्याख्या करने हेतु सांख्यिकी संस्थाओं को सांख्यिकी के स्रोत, पद्धतियों तथा प्रक्रियाओं पर वैज्ञानिक मानकों के अनुसार सूचना देनी चाहिए।

सिद्धांत 4. सांख्यिकी संस्थाओं को सांख्यिकी की गलत व्याख्या तथा दुरूपयोग पर टिप्पणी करने का अधिकार है।

सिद्धांत 5. सांख्यिकी प्रयोजनों हेतु आंकड़े सभी प्रकार के स्रोतों से आहरित किए जा सकते हैं, चाहे वे सांख्यिकी सर्वेक्षण हों अथवा प्रशासनिक रिकार्ड। सांख्यिकीय संस्थाओं को गुणवत्ता, समयपरकता, लागतों, उत्तरदाताओं पर भार के संबंध में स्रोत चुनने हैं।

सिद्धांत 6. आंकड़ों के संकलनार्थ सांख्यिकी संस्थाओं द्वारा एकत्र व्यक्तिगत आंकड़े चाहे वे जनसामान्य अथवा विधिक व्यक्तियों से संबंधित हों, अत्यन्त गोपनीय होने चाहिए तथा इनका प्रयोग केवल सांख्यिकीय प्रयोजनों हेतु किया जाना चाहिए

सिद्धांत 7. कानून, नियमन और उपाय जिनके अंतर्गत सांख्यिकीय प्रणालियों का संचालन किया जाता है, को सार्वजनिक किया जाना चाहिए।

सिद्धांत 8. देशों के भीतर सांख्यिकीय संस्थाओं में समन्वय सांख्यिकीय प्रणाली में स्थिरता तथा दक्षता लाने हेतु अनिवार्य है।

सिद्धांत 9. प्रत्येक देश में सांख्यिकीय संस्थाओं द्वारा अंतर्राष्ट्रीय अवधारणाओं, वर्गीकरणों तथा पद्धतियों का प्रयोग सभी आधिकारिक स्तरों पर सांख्यिकीय प्रणालियों की स्थिरता और दक्षता को प्रोत्साहित करता है।

सिद्धांत 10. आंकड़ों में द्वीपक्षीय और बहुपक्षीय सहयोग सभी देशों में शासकीय आंकड़ों की प्रणालियों के सुधार में योगदान देता है।

भारत सरकार

सांख्यिकी और कार्यक्रम कार्यान्वयन मंत्रालय

सरदार पटेल भवन, संसद मार्ग,

नई दिल्ली-110001

पृष्ठांकन सं. पी-11021/1/2015-सीएपी दिनांक 15 जून, 2016

दिनांक 15 जून, 2016 के समसंख्यक अधिसूचना की एक प्रति संदर्भ तथा अभिलेख हेतु अग्रेषित है।

प्रतिलिपि अग्रेषित

1. राष्ट्रपति सचिवालय
2. उप-राष्ट्रपति सचिवालय
3. प्रधानमंत्री कार्यालय
4. मंत्रिमंडल सचिवालय- के पत्रा सं. 20/सीएम/2016(i) दिनांक 6 मई, 2016 (मामला सं. 129/20/2016 के संदर्भ में)
5. भारत सरकार के सभी मंत्रालय/विभाग
6. नीति आयोग, नई दिल्ली
7. नियंत्रक एवं महालेखा परीक्षक, नई दिल्ली

8. लोक सभा/राज्य सभा सचिवालय

9. भारतीय रिजर्व बैंक, मुम्बई

10. सभी राज्यों/संघ राज्य क्षेत्रों के मुख्य सचिव/प्रशासक

11. उप महानिदेशक, राष्ट्रीय सांख्यिकी आयोग सचिवालय

12. सांख्यिकी और कार्यक्रम कार्यान्वयन मंत्रालय के सभी संबद्ध और अधीनस्थ कार्यालय

13. राष्ट्रीय सांख्यिकी आयोग के अध्यक्ष और सदस्य

MINISTRY OF STATISTICS AND PROGRAMME IMPLEMENTATION

NOTIFICATION

New Delhi, the 15th June, 2016

F. No. P-11021/1/2015-CAP.—The United Nations General Assembly, in its 73rd plenary meeting held on 29th January 2014, adopted (resolution 68/261) the ten United Nations Fundamental Principles of Official Statistics.

2. The Indian statistical system is founded on the principles of professional independence, impartiality, accountability and transparency about methods of collection, compilation and dissemination of official statistics, which are broadly consistent with the United Nations Fundamental Principles of Official Statistics. Adoption of these basic principles by the Central Ministries/Departments as well as State Governments will lead to enhancedpublic trust in official statistics.

3. Government of India hereby adopts,with immediate effect, the ten Fundamental Principles of Official Statistics given in theSchedule appended to this Notification.

ARUN KUMAR YADAV, Jt. Secy.

SCHEDULE

Fundamental Principles of Official Statistics

Principle 1. Official statistics provide an indispensable element in the information system of a democratic society, serving the Government, the economy and the public with data about the economic, demographic, social and environmental situation. To this end, official statistics that meet the test of practical utility are to be compiled and made available on an impartial basis by official statistical agencies to honor citizens' entitlement to public information.

Principle 2. To retain trust in official statistics, the statistical agencies need to decide according to strictly professional considerations, including scientific principles and professional ethics, on the methods and procedures for the collection, processing, storage and presentation of statistical data.

Principle 3. To facilitate a correct interpretation of the data, the statistical agencies are to present information according to scientific standards on the sources, methods and procedures of the statistics.

Principle 4. The statistical agencies are entitled to comment on erroneous interpretation and misuse of statistics.

Principle 5. Data for statistical purposes may be drawn from all types of sources, be they statistical surveys or administrative records. Statistical agencies are to choose the source with regard to quality, timeliness, costs and the burden on Respondents.

Principle 6. Individual data collected by statistical agencies for statistical compilation, whether they refer to natural or legal persons, are to be strictly confidential and used exclusively for statistical purposes.

Principle 7. The laws, regulations and measures under which the statistical systems operate are to be made public.

Principle 8. Coordination among statistical agencies within countries is essential to achieve consistency and efficiency in the statistical system.

Principle 9. The use by statistical agencies in each country of international concepts, classifications and methods promotes the consistency and efficiency of statistical systems at all official levels.

Principle 10. Bilateral and multilateral cooperation in statistics contributes to the improvement of systems of official statistics in all countries.

Government of India

Ministry of Statistics and Programme Implementation

Sardar Patel Bhawan, Parliament Street,

New Delhi-110 001.

Endt. No. P-11021/1/2015-CAP dated the 15th June, 2016.

A copy of the Notification of even no. dated 15th June, 2016 is forwarded for reference and record.

Circulation

1. President's Secretariat
2. Vice-President's Secretariat
3. Prime Minister's Office
4. Cabinet Secretariat with reference to their communication no. 20/CM/2016(i) dated 6th May 2016 (case no. 129/20/2016).
5. All Ministries/ Departments of the Government of India
6. NITI Aayog, New Delhi
7. Comptroller and Auditor General of India, New Delhi
8. Lok Sabha/ Rajya Sabha Secretariat
9. Reserve Bank of India, Mumbai
10. Chief Secretaries/ Administrators of all the States and Union territories
11. Dy. Director General, NSC Secretariat
12. All Attached and Subordinate Offices of the Ministry of Statistics and Programme Implementation
13. Chairman and Members of the National Statistical Commission

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भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY
भाग II — खण्ड 1
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सं॰ 31] नई दिल्ली, शनिवार, अगस्त 5, 2017/ श्रावण 14, 1939 (शक)
No. 31] NEW DELHI, SATURDAY, AUGUST 5, 2017/SHRAVANA 14, 1939 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 5th August, 2017/*Shravana* 14, 1939 (*Saka*)

The following Act of Parliament received the assent of the President on the 4th August, 2017 and is hereby published for general information :—

THE COLLECTION OF STATISTICS (AMENDMENT) ACT, 2017

No. 21 OF 2017

[4*th August,* 2017.]

An Act to amend the Collection of Statistics Act, 2008.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Collection of Statistics (Amendment) Act, 2017.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 1.

7 of 2009.

2. In the Collection of Statistics Act, 2008 (hereinafter referred to as the principal Act), in section 1, for sub-section (*2*), the following sub-section shall be substituted, namely:—

"(*2*) It extends to the whole of India :

Provided that it shall apply to the State of Jammu and Kashmir in so far as it relates to statistics pertaining to matters falling under any of the entries specified in List I (Union List) or List III (Concurrent List) in the Seventh Schedule to the Constitution as applicable to that State.".

Amendment of section 2.

3. In the principal Act, in section 2, after clause (*d*), the following clause shall be inserted, namely:—

'(*da*) "nodal officer" means the officer designated as a nodal officer under sub-section (*1*) of section 3A;'.

Insertion of new section 3A.

4. In the principal Act, after section 3, the following section shall be inserted, namely:—

Nodal officer.

"3A. (*1*) The Central Government or a State Government or Union territory Administration shall designate one of its officers as a nodal officer for the purposes of statistics under this Act.

(*2*) The nodal officer shall coordinate and supervise such statistical activities in the Central Government or the State Government or Union territory Administration, as the case may be, in which he is designated, and shall exercise such other powers and perform such other duties, as may be prescribed.".

Amendment of section 9.

5. In the principal Act, in section 9, for sub-section (*1*), the following sub-section shall be substituted, namely:—

"(*1*) The statistics officer or any person or agencies authorised under this Act shall, for statistical purposes, use any information furnished under section 6 in such manner as may be prescribed.".

Amendment of section 33.

6. In the principal Act, in section 33,—

(*i*) in sub-section (*1*), after the words "The Central Government may", the words "subject to the condition of previous publication" shall be inserted;

(*ii*) in sub-section (*2*),—

(*A*) after clause (*a*), the following clause shall be inserted, namely:—

"(*aa*) the coordination and supervision of statistical activities by the nodal officer and the powers and duties of the nodal officer under sub-section (*2*) of section 3A;";

(*B*) after clause (*d*), the following clause shall be inserted, namely:—

"(*da*) the manner of use of information under sub-section (*1*) of section 9;".

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.

UPLOADED BY THE GENERAL MANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD, NEW DELHI–110002
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MANOJ KUMAR Digitally signed by MANOJ KUMAR Date: 2017.08.05 22:59:46 +05'30'

रजिस्ट्री सं० डी० एल०-33004/99 REGD. NO. D. L.-33004/99

भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY
भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)
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सं. 2793] नई दिल्ली, शुक्रवार, सितम्बर 29, 2017/आश्विन 7, 1939
No. 2793] NEW DELHI, FRIDAY, SEPTEMBER 29, 2017/ASVINA 7, 1939

सांख्यिकी और कार्यक्रम कार्यान्वयन मंत्रालय
अधिसूचना

नई दिल्ली, 27 सितम्बर, 2017

का.आ. 3187(अ).—केंद्रीय सरकार, सांख्यिकीय संग्रहण (संशोधन) अधिनियम, 2017 (2017 का 21) की धारा 1 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, 3 अक्तूबर, 2017 को वह तारीख नियत करती है जिसको उक्त अधिनियम के उपबंध प्रवृत्त होंगे।

[पृष्ठांकन सं.एम-12014/16/2015-सीएपी]

अरुण कुमार यादव, संयुक्त सचिव

MINISTRY OF STATISTICS AND PROGRAMME IMPLEMENTATION
NOTIFICATION

New Delhi, the 27th September, 2017

S.O. 3187(E).— In exercise of the powers conferred by sub-section (2) of section 1 of the Collection of Statistics (Amendment) Act, 2017 (21 of 2017), the Central Government hereby appoints the 3rd day of October, 2017 as the date on which the provisions of the said Act shall come into force.

[Endt. No. M-12014/16/2015-CAP]

ARUN KUMAR YADAV, Jt. Secy.

5938 GI/2017

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The Gazette of India

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EXTRAORDINARY
भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)
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सांख्यिकी और कार्यक्रम कार्यान्वयन मंत्रालय

अधिसूचना

नई दिल्ली, 13 सितम्बर, 2018

का.आ. 4857(अ).—सांख्यिकी संग्रहण नियमावली, 2011 के नियम 3 के उपनियम (1) में प्रदत्त शक्तियों का प्रयोग करते हुए, सांख्यिकी और कार्यक्रम कार्यान्वयन मंत्रालय में सांख्यिकीय समन्वय का कार्य देख रहे अपर महानिदेशक को पूर्वोक्त नियमावली के अंतर्गत शक्तियों के प्रयोग और दायित्वों के निर्वहन हेतु सक्षम प्राधिकारी के अनुमोदन से एतद्वारा नोडल अधिकारी के रूप में पदनामित किया जाता है। नोडल अधिकारी इस नियमावली के नियम 3 के उपनियम (1) के खंड (ई) के अंतर्गत यथापेक्षित रिपोर्टें केंद्रीय सरकार को नीचे दी गई रीति के अनुसार प्रस्तुत करेंगे:-

(1) उनके पास रिकॉर्ड में उपलब्ध सामग्री के आधार पर, नोडल अधिकारी सांख्यिकीय संग्रहण नियमावली, 2011 के प्रारंभन की तिथि, 16 मई 2011 तथा 31 मार्च, 2018 की अवधि के दौरान सांख्यिकीय संग्रहण अधिनियम 2008 तथा सांख्यिकीय संग्रहण नियमावली, 2011 की कार्यप्रणाली पर अधिकतम नवम्बर, 2018 के अंत तक रिपोर्ट प्रस्तुत करेंगे।

(2) वर्ष 2018-19 से आरंभ हो रहे वित्त वर्षों के लिए नोडल अधिकारी प्रत्येक वित्त वर्ष के लिए वार्षिक रिपोर्टें इस अधिसूचना की अनुसूची में दिए गए प्रारूप में, उत्तरवर्ती वित्त वर्ष के अधिकतम 30 सितंबर तक प्रस्तुत करेंगे।

(3) नोडल अधिकारी की रिपोर्टें तथा प्रस्तुत रिपोर्टों के आधार पर सरकार द्वारा नोडल अधिकारी को दिए गए दिशा-निर्देश, यदि कोई हों, समय-समय पर पब्लिक डोमेन में रखे जाएंगे

अनुसूची

सांख्यिकीय संग्रहण अधिनियम 2008 तथा सांख्यिकीय संग्रहण नियमावली,2011 की कार्यप्रणाली पर वित्त वर्ष _____ के लिए भारत सरकार के नोडल अधिकारी की वार्षिक रिपोर्ट

1. नोडल अधिकारी का नाम:

2. ऐसे मामलों की संख्या जिनमें समुचित सरकार द्वारा इस अधिनियम के खंड 3 के अंतर्गत दिशा-निर्देश जारी किए जाने से पूर्व, आंकड़ों के संग्रहण में अनावश्यक दोहराव से बचने के लिए नियमावली के नियम 5 के अनुपालन में नोडल अधिकारी से परामर्श किया गया था और उसका ब्योरा:

3. क्रम सं. 2 में उल्लिखित मामलों में से, ऐसे मामलों की संख्या जिनमें नोडल अधिकारी ने परामर्श दिया और उसका ब्योरा:

4. क्रम सं. 3 में उल्लिखित मामलों में से, ऐसे मामलों की संख्या जिनमें कारणों सहित असहमति दी गई थी और उसका ब्योरा:

5. क्रम सं. 3 तथा 4 के संदर्भ में कार्रवाई में विलंब, यदि कोई हो, का विवरण तथा उसके कारणों का ब्योरा:

6. ऐसे मामलों की संख्या, जिनमें संगृहीत की जाने वाली सूचना की मदों को अंतिम रूप दिए जाने से पूर्व, अन्य सरकारी विभागों की आवश्यकताओं को सम्मिलित किए जाने के संदर्भ में, नियमावली के नियम 6 (ii) के अनुपालन में नोडल अधिकारी से परामर्श किया गया था:

7. अधिनियम के खंड 3 के अंतर्गत जारी दिशा-निर्देशों और नोडल अधिकारी द्वारा प्राप्त अधिसूचनाओं की संख्या:

(i) आरंभ (16 मई 2011) से लेकर:

(ii) रिपोर्ट वाली अवधि के दौरान:

8. अधिनियम के खंड 4 के अंतर्गत नियुक्त सांख्यिकी अधिकारियों की संख्या तथा नोडल अधिकारी द्वारा प्राप्त अधिसूचनाओं की संख्या:

(i) आरंभ (16 मई 2011) से लेकर:

(ii) रिपोर्ट वाली अवधि के दौरान:

9. क्या नोडल अधिकारी के कार्यालय में सांख्यिकी अधिकारियों का रजिस्टर (नियमावली के नियम 4 के उपनियम (1) के खंड (ए) के अंतर्गत यथापेक्षित) डिजीटल डेटाबेस में रखा जा रहा है, यदि हां तो उसका संक्षिप्त विवरण और यदि नहीं तो उसके कारण:

10. क्या विभिन्न विभागों अथवा राज्य में राज्यों/स्थानीय शासनों के नोडल अधिकारियों द्वारा प्रदान किए गए इकाई स्तरीय आंकड़ों सहित, अधिनियम के प्रावधानों के अंतर्गत या अन्यथा एकत्र की गई, सांख्यिकी की उपलब्धता के संबंध में सूचना [नियमावली के नियम 4 के उप-नियम (1) के खण्ड (ख)) के अंतर्गत यथाअपेक्षित], का रखरखाव डिजिटल डाटाबेस में किया जा रहा है अथवा नहीं, यदि हां, तो उसका संक्षिप्त विवरण तथा यदि नहीं तो इसके कारण क्या हैं :

11. नोडल अधिकारी द्वारा, नियमावली के नियम 4 के उपनियम(1) के खण्ड (ग) के अनुपालन में, प्रशासनिक रिकॉर्ड की सांख्यिकीय क्षमता में सुधार करने के लिए किए गए उपायों संबंधी दी गई सलाह का ब्योरा:

12. नोडल अधिकारी द्वारा, नियमावली के नियम 4 के उपनियम (1) के खण्ड (घ) के अनुपालन में, इकाई-स्तरीय आंकड़ों सहित सांख्यिकीय सूचना की साझेदारी को प्रोत्साहित करने तथा सुलझाए गए विवाद/मतभेद, यदि कोई हों, संबंधी जारी किए गए निर्देशों का ब्योरा:

13. इस रिपोर्ट को तैयार करने के लिए, अधिनियम की कार्यप्रणाली पर अन्य विभागों आदि से नियमावली के नियम 4 के उपनियम (2) के खण्ड (ड.) के अंतर्गत यथाउपलब्ध रिपोर्टें, यदि कोई है, का ब्योरा:

14. नोडल अधिकारी को सूचित शिकायतें तथा अभियोजन मामले, यदि कोई हों, का ब्योरा:

15. किसी भी प्रकार के सांख्यिकीय संग्रहण में सांख्यिकीय संग्रहण अधिनियम, 2008 तथा इसके अधीन बने नियमों के प्रावधानों को कार्यान्वित करने में नोडल अधिकारी को सूचित की गई किसी भी प्रकार की कठिनाई का ब्योरा:

16. सांख्यिकी संग्रहण अधिनियम, 2008 तथा इसके तहत बने नियमों के कार्यान्वयन के संबंध में आयोजित प्रशिक्षण/संवेदीकरण कार्यक्रमों का ब्योरा तथा ऐसे कार्यक्रमों की संख्या जिनमें नोडल अधिकारी ने भाग लिया:

17. सांख्यिकी संग्रहण अधिनियम, 2008 तथा इसके तहत बने नियमों को कार्यान्वित करने में सामने आई कठिनाइयों तथा कानून को और अधिक प्रभावी बनाने के संबंध में (रिकॉर्ड के आधार पर) नोडल अधिकारी का मूल्यांकन:

18. नोडल अधिकारी की पिछली वार्षिक रिपोर्टों तथा उनके अनुपालन की विधि के संबंध में रिपोर्टाधीन अवधि के दौरान सरकार के निर्देश, यदि कोई हों:

नोडल अधिकारी के हस्ताक्षर

(नाम तथा पदनाम तथा दिनांक)

[फाइल संख्या वाई-18020/16/2018-सी ए पी]

अरूण कुमार यादव, संयुक्त सचिव

MINISTRY OF STATISTICS AND PROGRAMME IMPLEMENTATION

NOTIFICATION

New Delhi, the 13th September, 2018

S.O. 4857(E).—In exercise of the powers conferred under sub-rule (1) of rule 3 of the Collection of Statistics Rules, 2011,the Additional Director General handling statistical coordination in the Ministry of Statistics and Programme Implementation is hereby designated, with the approval of the competent authority, as the Nodal Officer for exercising powers and performing duties under the aforesaid rules. The nodal officer shall submit reports to the Central Government as required under clause (e), sub-rule (1) of rule 3 of the Rules in the manner prescribed below:-

(1) Based on the material available with him on record, the nodal officer shall submit a report latest by the end of November, 2018, on the working of the Collection of Statistics Act 2008 and the Collection of Statistics Rules, 2011 during the period 16th May 2011, the date of commencement of the Collection of Statistics Rules, 2011 and 31stMarch, 2018.

(2) For the financial years commencing with the year 2018-19, the nodal officer shall submit annual reports for each financial year in the format given in the Schedule to this Notification, latest by 30thSeptember of the subsequent financial year.

2. The reports of the nodal officer and the directions, if any, of the Government issued to the nodal officer on the basis of the reports submitted shall be placed in the public domain from time to time.

SCHEDULE

Annual Report

of nodal officer in the Government of India for the financial year _____
on the working of the Collection of Statistics Act 2008
and the Collection of Statistics Rules, 2011

1. Name of the nodal officer:

2. No. of cases in which the nodal officer was consulted in compliance to rule 5 of the Rules on avoiding unnecessary duplication in collection of statistics before issuing a direction by the appropriate Government under section 3 of the Act and the details thereof:

3. No. of cases, out of cases mentioned at s. no. 2, in which the nodal officer rendered advice and the details thereof:

4. No. of cases, out of cases mentioned at s. no. 3, in which disagreement along with reasons was furnished and the details thereof:

5. Details of delays, if any, in the process in respect of s. nos. 3 and 4, and reasons thereof:

6. No. of cases in which the nodal officer was consulted, in compliance to rule 6 (ii) of the Rules, on inclusion of the requirements of other Government Departments before finalizing items on which information is to be collected:

7. No. of directions issued under section 3 of the Act and the Notifications received by the nodal officer:

(i) Since start (16th May 2011):

(ii) During the period under report:

8. No. of statistics officers appointed under section 4 of the Act and the notifications received by the nodal officer:

(i) Since start (16th May 2011):

(ii) During the period under report:

9. Whether a register of statistics officers [as required under clause (a) of sub-rule (1) of Rule 4 of the Rules] is being maintained in the office of the nodal officer in a digital database and if so, the summary details thereof and if not, the reasons thereof:

10. Whether information [as required under clause (b) of sub-rule (1) of Rule 4 of the Rules], on availability of statistics including unit-level data, whether collected under the provisions of the Act or not, with different Departments / as provided by nodal officers in the States / local governments in the State, as the case may be, is being maintained in a digital database and if so, the summary details thereof and if not, the reasons thereof:

11. Details of advice given by the nodal officer, in compliance to clause (c) of sub-rule (1) of rule 4 of the Rules, on steps to improve the statistical potential of administrative records:

12. Details of instructions issued by the nodal officer, in compliance to clause (d) of sub-rule (1) of rule 4 of the Rules, on promoting the sharing of statistical information including unit-level data and disputes/ differences of opinion, if any, resolved:

13. Details of reports, if any, obtained [as provided under clause (e) of sub-rule (2) of rule 4 of the Rules] from other Departments etc., on the working of the Act, for preparation of this report:

14. Details of complaints and prosecution cases, if any, reported to the nodal officer:

15. Details of any difficulty reported to the nodal officer, in implementing the provisions under the Collection of Statistics Act, 2008 and the Rules made thereunder, for any type of collection of statistics:

16. Details of Training/ sensitization programmes organized on implementation of the Collection of Statistics Act, 2008 and the Rules made thereunder and the no. of programmes in which the nodal officer participated:

17. Assessment of the nodal officer (on the basis of records) on the difficulties faced in implementation of the Collection of Statistics Act, 2008 and the Rules made thereunder and on making the law more effective:

18. Directions of the Government, if any, on the previous Annual Reports of nodal officer and the manner in which they were complied with, during the period under report:

Signature of the nodal officer

(Name & Designation with Date)

[F. No. Y-18020/16/2018-CAP]

ARUN KUMAR YADAV, Jt. Secy.

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ALOK KUMAR Digitally signed by ALOK KUMAR Date: 2018.09.20 10:44:10 +05'30'

EXTRACT

[This was published as Notification No. 53 dated 9th August 2019 in the Gazette of India Extraordinary, Part – II, Section – 1]

THE JAMMU AND KASHMIR REORGANISATION ACT, 2019
ACT NO. 34 OF 2019

[9th August, 2019.]

An Act to provide for the reorganisation of the existing State of Jammu and Kashmir and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

PART I
PRELIMINARY

1. Short title. — This Act may be called the Jammu and Kashmir Reorganisation Act, 2019.

2. Definitions. — In this Act, unless the context otherwise requires,—

.....
.....

PART II
REORGANISATION OF THE STATE OF JAMMU AND KASHMIR

3. Formation of Union territory of Ladakh without Legislature. — On and from the appointed day, there shall be formed a new Union territory to be known as the Union territory of Ladakh comprising the following territories of the existing State of Jammu and Kashmir, namely:—

"Kargil and Leh districts",

and thereupon the said territories shall cease to form part of the existing State of Jammu and Kashmir.

4. Formation of Union territory of Jammu and Kashmir with Legislature. — On and from the appointed day, there shall be formed a new Union territory to be known as the Union territory of Jammu and Kashmir comprising the territories of the existing State of Jammu and Kashmir other than those specified in section 3.

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PART XIV
LEGAL AND MISCELLANEOUS PROVISIONS

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.....

95. Territorial extent of laws.— (1) All Central laws in Table-1 of the Fifth Schedule to this Act, on and from the appointed day, shall apply in the manner as provided therein, to the Union territory of Jammu and Kashmir and Union territory of Ladakh.

(2) All other laws in Fifth Schedule, applicable to existing State of Jammu and Kashmir immediately before the appointed day, shall apply in the manner as provided therein, to the Union territory of Jammu and Kashmir and Union territory of Ladakh.

96. Power to adapt laws.—For the purpose of facilitating the application in relation to the successor Union territories, of any law made before the appointed day, as detailed in Fifth Schedule to this Act, the Central Government may, before the expiration of one year from that day, by order, make such adaptations and modifications of the law, whether by way of repeal or amendment, as may be necessary or expedient, and thereupon every such law shall have effect subject to the adaptations and modifications so made until altered, repealed or amended by a competent Legislature or other competent authority.

.....

The Fifth Schedule
(See Sections 95 and 96)

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TABLE - 3

STATE LAWS INCLUDING GOVERNOR'S ACTS WHICH ARE REPEALED IN UNION TERRITORY OF JAMMU AND KASHMIR; AND UNION TERRITORY OF LADAKH

S. No.	Name of the Act	Act/Ordinance No.
22	The Jammu and Kashmir Collection of Statistics Act, 2010.	XVIII of 2010

.....

Extract

[This is available at:
https://cdn.ibclaw.online/legalcontent/Other/J%26K/5.+UT+J%26K+Reorganisation+(Adaptation+of+Central+Laws)+Order%2C+2020_+S.O.+1123(E)_18-03-2020.pdf]

MINISTRY OF HOME AFFAIRS
(Department of Jammu, Kashmir and Ladakh Affairs)

ORDER

New Delhi, the 18th March, 2020

S.O. 1123(E).—In exercise of the powers conferred by section 96 of the Jammu and Kashmir Reorganization Act, 2019 (34 of 2019), and of all other powers enabling it in that behalf, the Central Government hereby makes the following Order in respect of the Union territory of Jammu and Kashmir, namely: –

1. (1) This Order may be called the Jammu and Kashmir Reorganisation (Adaptation of Central Laws) Order, 2020.

(2) It shall come into force with immediate effect.

2. The General Clauses Act, 1897 applies for the interpretation of this Order as it applies for interpretation of laws in force in the territory of India.

3. With immediate effect, the Acts mentioned in the Schedule to this Order shall, until repealed or amended by a competent Legislature or other competent authority, have effect, subject to the adaptations and modifications directed by the Schedule to this Order, or if it is so directed, shall stand repealed.

4. Where this Order requires that in any specified section or other portion of an Act, certain words shall be substituted for certain other words, or the certain words shall be omitted, such substitution or omission, as the case may be, shall, except where it is otherwise expressly provided, be made wherever the words referred to occur in that section or portion.

5. The provisions of this Order which adapt or modify any law so as to alter the manner in which, the authority by which or the law under or in accordance with which, any powers are exercisable, shall not render invalid any notification, order, commitment, attachment, bye-law, rule or regulation duly made or issued, or anything duly done before the 31st day of October, 2019; and any such notification, order commitment, attachment, bye-law, rule, regulation or anything may be revoked, varied or undone in the like

manner, to the like extent and in the like circumstances as if it had been made, issued or done after the commencement of this Order by the competent authority and in accordance with the provisions then applicable to such case.

6. (1) The repeal or amendment of any law specified in the Schedule to this Order shall not affect—

(a) the previous operation of any law so repealed or anything duly done or suffered thereunder;

(b) any right, privilege, obligation or liability acquired, accrued or incurred under any law so repealed;

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any law so repealed; or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if the Jammu and Kashmir Reorganisation Act, 2019 or this Order had not come into force.

(2) Subject to the provisions of sub-paragraph (1), anything done or any action taken (including any appointment or delegation made, notification, instruction or direction issued, form, bye-law or scheme framed, certificate obtained, permit or licence granted or registration effected or agreement executed) under any such law shall be deemed to have been done or taken under the corresponding provisions of the Central Laws now extended and applicable to the Union territory of Jammu and Kashmir and shall continue to be in force accordingly unless and until superseded by anything done or any action taken under the Central Laws now extended to the Union territory of Jammu and Kashmir.

THE SCHEDULE
(See Paragraph 3)

CENTRAL LAWS

.....

10. THE COLLECTION OF STATISTICS ACT, 2008
(07 of 2009)

Section 1.— In sub-section (2), the proviso thereto shall be omitted.

.....

Extract

[This is available at:
https://cdn.ibclaw.online/legalcontent/Other/J%26K/14.+UT+Ladhak+Reorganisation+(Adaptation+of+Central+Laws)+Order%2C+2020_+S.O.+3774(E)_23-10-2020.pdf]

MINISTRY OF HOME AFFAIRS
(Department of Jammu, Kashmir and Ladakh Affairs)

ORDER

New Delhi, the 23rd October, 2020

S.O. 3774(E).—In exercise of the powers conferred by section 96 of the Jammu and Kashmir Reorganisation Act, 2019 (34 of 2019), and of all other powers enabling it in that behalf, the Central Government hereby makes the following Order in respect of the Administration of the Union territory of Ladakh, namely: –

1. (1) This Order may be called the Union Territory of Ladakh Reorganisation (Adaptation of Central Laws) Order, 2020.

(2) It shall come into force with immediate effect.

2. The General Clauses Act, 1897 applies for the interpretation of this Order as it applies for interpretation of laws in force in the territory of India.

3. With immediate effect, the Acts mentioned in the Schedule to this Order shall, until repealed or amended by a competent authority, have effect, subject to the adaptations and modifications directed by the said Schedule, or if it is so directed, shall stand repealed.

4. Where this Order requires that in any specified section or other portion of an Act, certain words shall be substituted for certain other words, or certain words shall be omitted, such substitution or omission, as the case may be, shall, except where it is otherwise expressly provided, be made wherever the words referred to occur in that section or portion.

5. The provisions of this Order which adapt or modify any law so as to alter the manner in which, the authority by which or the law under or in accordance with which, any powers are exercisable, shall not render invalid any notification, order, commitment, attachment, bye-law, rule or regulation duly made or issued, or anything duly done before the 31st day of October, 2019; and any such notification, order, commitment, attachment, bye-law, rule, regulation or anything may be revoked, varied or undone in the like manner, to the like extent and in the like circumstances, as if it had been made, issued or done after the commencement of this Order by the

competent authority and in accordance with the provisions then applicable to such case.

6. (1) The repeal or amendment of any law specified in the Schedule to this Order shall not affect—

(a) the previous operation of any law so repealed or anything duly done or suffered thereunder;

(b) any right, privilege, obligation or liability acquired, accrued or incurred under any law so repealed;

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any law so repealed; or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid,

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if the Jammu and Kashmir Reorganisation Act, 2019 (34 of 2019) or this Order had not been passed or issued.

(2) Subject to the provisions of sub-paragraph (1), anything done or any action taken (including any appointment or delegation made, notification, instruction or direction issued, form, bye-law or scheme framed, certificate obtained, permit or licence granted or registration effected or agreement executed) under any such law shall be deemed to have been done or taken under the corresponding provisions of the Central Laws now extended and applicable to the Union territory of Ladakh and shall continue to be in force accordingly unless and until superseded by anything done or any action taken under the Central Laws now extended to the Administration of the Union territory of Ladakh.

SCHEDULE
(See Paragraph 3)

CENTRAL LAWS

.....

8. THE COLLECTION OF STATISTICS ACT, 2008
(07 of 2009)

Section 1.— In sub-section (2), omit the proviso.

.....

Extract

[This was published as Notification No. 21 dated 11th August 2023 published in the Gazette of India Extraordinary Part – II Section – 1]

THE JAN VISHWAS (AMENDMENT OF PROVISIONS) ACT, 2023
NO. 18 OF 2023

[11th August, 2023.]

An Act to amend certain enactments for decriminalising and rationalising offences to further enhance trust-based governance for ease of living and doing business.

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

1. Short title and commencement.- (1) This Act may be called the Jan Vishwas (Amendment of Provisions) Act, 2023.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint; and different dates may be appointed for amendments relating to different enactments mentioned in the Schedule.

2. Amendment of certain enactments.- The enactments mentioned in column (4) of the Schedule are hereby amended to the extent and in the manner mentioned in column (5) thereof.

3. Revision of fines and penalties.- The fines and penalties provided under various provisions in the enactments mentioned in the Schedule shall be increased by ten per cent. of the minimum amount of fine or penalty, as the case may be, prescribed therefor, after the expiry of every three years from the date of commencement of this Act.

4. Savings.- The amendment or repeal by this Act of any enactment shall not affect any other enactment in which the amended or repealed enactment has been applied, incorporated or referred to;

and this Act shall not affect the validity, invalidity, effect or consequences of anything already done or suffered, or any right, title, obligation or liability already acquired, accrued or incurred or any remedy or proceeding in respect thereof, or any release or discharge of, or from any debt, penalty, obligation, liability, claim or demand, or any indemnity already granted, or the proof of any past act or thing;

nor shall this Act affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom,

privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed, or recognised or derived by, in or from any enactment hereby amended or repealed;

nor shall the amendment or repeal by this Act of any enactment revive or restore any jurisdiction, office, custom, liability, right, title, privilege, restriction, exemption, usage, practice, procedure or other matter or thing not now existing or in force.

THE SCHEDULE
(See section 2)

Sl. No.	Year	No.	Short Title	Amendments
39	2009	7	The Collection of Statistics Act, 2008	(A) In section 9, in sub-sections (2) and (3), for the word "prosecution", the word "penalty" shall be substituted. (B) For CHAPTER IV, the following CHAPTER shall be substituted, namely:— "CHAPTER IV PENALTIES AND ADJUDICATION 15. Penalty for neglect or refusal to supply particulars and other contraventions.— (1) Whoever fails to produce any books of account, vouchers, documents or other business records or whoever neglects or refuses to fill in and supply the particulars required in any information schedule or return given or sent to him or whoever neglects or refuses to answer any question or inquiry addressed to him as may be required under or for the purposes of any provision of this Act or whoever acts in contravention or fails to comply with any provision of this Act or any rules made thereunder or any requirement imposed under this Act, shall be liable to penalty which may extend to one thousand rupees, and in the case of a company, with a penalty which may extend to one lakh rupees. (2) The imposition of penalty on a person or company shall not relieve him or it of the obligations under sub-section (1), and if after the expiry of fourteen days from

				the date of imposition of penalty, he or it still fails to give the required particulars or continues to neglect or refuse or contravene any provision of this Act or any rules made thereunder or any requirement imposed under this Act, shall be liable to a further penalty which may extend to one thousand rupees, and in the case of a company, to a further penalty which may extend to five thousand rupees, for each day after the first during which the neglect, refusal or contravention continues. 15A. Adjudicating officer.—(1) The appropriate Government may, for the purposes of determining the penalties under section 15, appoint an officer as it may deem fit, to be adjudicating officer to hold an inquiry and impose penalty in the manner, as may be prescribed: Provided that the appropriate Government may appoint as many adjudicating officers as may be required. (2) The adjudicating officer may summon and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any document, which in the opinion of the adjudicating officer, may be useful for, or relevant to, the subject-matter of the inquiry and if, on such inquiry, he is satisfied that the person concerned has failed to comply with the provisions of this Act, he may impose penalty: Provided that no such penalty shall be imposed without giving the parties concerned a reasonable opportunity of being heard. 15B. Appeal.—(1) Whoever aggrieved by the order passed by the adjudicating officer under this Act, may prefer an appeal to the appellate authority, above the rank of the adjudicating officer, authorised by the appropriate Government, **within thirty days from the date of receipt of order** in such form

				and manner as may be prescribed. (2) An appeal may be admitted after the expiry of the period of thirty days if the appellant satisfies the appellate authority that he had sufficient cause for not preferring the appeal within that period. (3) The appellate authority may, after giving the parties to the appeal an opportunity of being heard, pass such order as he may think fit. (4) The appellate authority referred to in sub-section (1) shall dispose of the appeal within **sixty days from the date of filing** the appeal. 15C. Recovery.—Notwithstanding anything contained in this Act, if penalty imposed under this Act, is not deposited, the amount shall be recovered as an arrear of land revenue.". (C) In section 33, in sub-section (2), after clause (da), the following clauses shall be inserted, namely:— "(db) the manner of holding inquiry and imposing penalty under sub-section (1) of section 15A; (dc) the form and manner of preferring appeal under sub-section (1) of section 15B;".

रजिस्ट्री सं. डी.एल.- 33004/99 REGD. No. D. L.-33004/99

भारत का राजपत्र
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EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

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अधिसूचना

नई दिल्ली, 29 नवम्बर, 2024

का.आ. 5176(अ).—केन्द्रीय सरकार, जन विश्वास (उपबंधों का संशोधन) अधिनियम, 2023 (2023 का 18) की धारा 1 की उप-धारा (2) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए, सांख्यिकी संग्रहण अधिनियम, 2008 से संबंधित उक्त अधिनियम की अनुसूची में क्रम संख्या 39 और उसकी प्रविष्टियां से जहाँ तक इसका संबंध है, 10 दिसंबर, 2024 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के उपबंध प्रवत्त होंगे।

[फ़ा. सं. पी-12011/1/2018-सीएपी]

सी.के. झा, उप-महानिदेशक (सीआईसीडी)

MINISTRY OF STATISTICS AND PROGRAMME IMPLEMENTATION

NOTIFICATION

New Delhi, the 29th November, 2024

S.O. 5176(E).—In exercise of the powers conferred by sub-section (2) of section 1 of the Jan Vishwas (Amendment of Provisions) Act, 2023 (18 of 2023), the Central Government hereby appoints the 10th day of December 2024 as the date on which the provisions of the said Act, in so far as it relates to serial number 39 and the entries thereto in the Schedule to the said Act relating to the Collection of Statistics Act, 2008, shall come into force.

[F. No. – P-12011/1/2018-CAP]

C. K. JHA, Dy. Director General (CICD)

7776 GI/2024

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THE COLLECTION OF STATISTICS ACT, 2008

ACT No. 7 OF 2009

[*7th January,* 2009.]

An Act to facilitate the collection of statistics on economic, demographic, social, scientific and environmental aspects, and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-ninth Year of the Republic of India as follows:–

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.—(*1*) This Act may be called the Collection of Statistics Act, 2008.

[1][(*2*) It extends to the whole of India:

[2]* * * * *]

(*3*) It shall come into force on such date[3] as the Central Government may, by notification in the Official Gazette, appoint.

2. Definitions.—In this Act, unless the context otherwise requires,—

(*a*) "agency" includes a person or persons engaged by the appropriate Government, directly or by outsourcing, for collection of statistics;

(*b*) "appropriate Government" means–

(*i*) any Ministry or Department in the Central Government; or

(*ii*) any Ministry or Department in a State Government or Union territory Administration; or

(*iii*) any local government that is to say, Panchayats or Municipalities, as the case may be,

in relation to the collection of statistics under a direction issued by it under section 3;

(*c*) "informant" means any person, who supplies or is required to supply statistical information and includes a owner or occupier or person in-charge or his authorised representative in respect of persons or a firm registered under the Indian Partnership Act, 1932 (9 of 1932) or a co-operative society registered under any Co-operative Societies Act or a company registered under the Companies Act, 1956 (1 of 1956) or a society registered under the Societies Registration Act, 1860 (21 of 1860) or any association recognised or registered under any law for the time being in force;

(*d*) "information schedule" means any book, document, form, card, tape, disc or any storage media on which information required is entered or recorded or is required to be entered or recorded for statistical purposes under this Act;

[4][(*da*) "nodal officer" means the officer designated as a nodal officer under sub-section (*1*) of section 3A;].

(*e*) "prescribed" means prescribed by rules made under this Act;

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1. Subs. by Act 21 of 2017, s. 2, for sub-section (*2*) (w.e.f. 3-10-2017).
2. The proviso omitted by the Jammu and Kashmir Reorganization (Adaptation of Central Laws) Order, 2020, *vide* notification No. S.O. 1123(E) dated (18-3-2020) and *vide* Union Territory of Ladakh Reorganisation (Adaptation of Central Laws) Order, 2020, Notification No. S.O. 3774(E), dated (23-10-2020).
3. 11th June, 2010, *vide* notification No. S.O. 1416(E), dated 9th June, 2010, *see* Gazette of India, Extraordinary, Part II, sec. 3(*ii*).
4. Ins. by Act 21 of 2017, s. 3 (w.e.f. 3-10-2017).

(*f*) "sampling" means a statistical procedure by which information relating to a particular field of inquiry is derived by applying statistical techniques to information obtained in respect of a proportion of the total number of persons or units concerned relevant to the field of inquiry;

(*g*) "statistical survey" means a census or a survey, whereby information is collected from all the informants in the field of inquiry or from a sample thereof, by an appropriate Government under this Act or any other relevant Act, wholly or primarily for the purposes of processing and summarising by appropriate statistical procedures;

(*h*) "statistics" means statistics derived by collecting, classifying and using statistics, specially in or for large quantities or numbers by appropriate Government from statistical surveys, administrative and registration records, and other forms and papers, the statistical analysis of which are, whether in a published or unpublished form;

(*i*) "statistics officer" means any officer appointed under section 4 for the purposes of any direction issued under section 3 of this Act.

CHAPTER II

COLLECTION OF STATISTICS

3. Collection of statistics.—The appropriate Government may, by notification in the Official Gazette, direct that the statistics on economic, demographic, social, scientific and environmental aspects shall be collected through a statistical survey or otherwise, and thereupon the provisions of this Act shall apply in relation to those statistics:

Provided that–

(*a*) nothing contained in this section shall be deemed to authorise a State Government or Union territory Administration or any local government to issue any direction with respect to the collection of statistics relating to any matter falling under any of the entries specified in List I (Union List) in the Seventh Schedule to the Constitution; or

(*b*) where the Central Government has issued any direction under this section for the collection of statistics relating to any matter, no State Government or Union territory Administration or any local government shall, except with the previous approval of the Central Government, issue any similar direction for so long as the collection of such statistics by the Central Government remain to be completed; or

(*c*) where a State Government or Union territory Administration or any local government has issued a direction under this section for the collection of statistics relating to any matter, the Central Government shall not issue any similar direction for so long as the collection of such statistics by the State Government remain to be completed, except in cases where such statistics have to be collected with reference to two or more States or Union territories.

[1][**3A. Nodal officer**.—(*1*) The Central Government or a State Government or Union territory Administration shall designate one of its officers as a nodal officer for the purposes of statistics under this Act.

(*2*) The nodal officer shall coordinate and supervise such statistical activities in the Central Government or the State Government or Union territory Administration, as the case may be, in which he is designated, and shall exercise such other powers and perform such other duties, as may be prescribed.]

4. Powers of appropriate Government to appoint statistics officer, etc.—(*1*) The appropriate Government may appoint or cause to appoint an officer to be the statistics officer for any geographical unit for the purpose of collecting any statistics directed by it.

---

1. Ins. by Act 21 of 2017, s. 4 (w.e.f. 3-10-2017).

(*2*) The appropriate Government may appoint any agency or persons working in such agencies to take, or aid in, or supervise the collection of the statistics within any specified geographical unit and such agencies or persons, when so appointed, shall be bound to serve accordingly.

(*3*) The appropriate Government may employ on contract basis any agency or company or organisation or association or person, on such terms and conditions and on such safeguards as may be prescribed, for the purpose of collecting the statistics directed by it.

(*4*) The appropriate Government may delegate to any statistics officer, as it thinks fit, the power of appointing agencies or persons working in such agencies or employing on contract basis any agency or company or organisation or association of persons, conferred on it by sub-sections (*2*) and (*3*) within the geographical unit for which such statistics officer is appointed.

(*5*) The appropriate Government may, by order specify the form, the particulars required or the interval within which, and the statistics officer to whom, the statistical information by the informants shall be furnished.

(*6*) The appropriate Government may, by order published in the Official Gazette, delegate to any statistics officer, as it thinks fit, any power conferred under sub-section (*5*) for the purpose of the collection of statistics under a direction issued by it under section 3.

5. Power of statistics officer to call for information.—The statistics officer may, for the purpose of collection of statistics on any specified subject in any geographical unit for which the said officer was appointed—

(*a*) serve or cause to be served on any informant a notice in writing asking him to furnish the information specified under sub-section (*5*) of section 4 or cause a information schedule to be given to any informant for the purpose of its being filled up; or

(*b*) cause all questions relating to the subject to be asked from any informant; or

(*c*) seek information through tele fax or telephone or e-mail or in any other electronic mode or in a combination of different modes for different sets of information so specified.

6. Duty of informants.—The informants who are asked to furnish any information under the provisions of this Act shall be bound to furnish the information so asked in the prescribed manner to the best of knowledge or belief; and in cases where only a portion of a particular class or group of persons or units is asked to furnish information because of any sampling procedure, it shall not be a defence in failure on the part of any informant to furnish that information, if so asked.

7. All agencies to assist.—Every agency shall render such help and assistance and furnish such information to the statistics officer or a person or an agency authorised by him in writing, as he may require for the discharge of his functions, and shall make available for inspection and examination of such records, plans and other documents, as may be necessary.

8. Right of access to records or documents.—The statistics officer or any person authorised by him in writing in this behalf shall, for the purposes of collection of any statistics under this Act, have access to any relevant record or document in the possession of any informant required to furnish any information under this Act, and may enter at any reasonable time any premises where he believes such record or document is kept and may inspect or take copies of relevant records or documents or ask any question necessary for obtaining any information required to be furnished under this Act.

CHAPTER III

DISCLOSURE OF INFORMATION IN CERTAIN CASES AND RESTRICTIONS OF THEIR USE

9. Security of information.—[1][(*1*) The statistics officer or any person or agencies authorised under this Act shall, for statistical purposes, use any information furnished under section 6 in such manner as may be prescribed.].

---

1. Subs. by Act 21 of 2017, s. 5, for sub-section (*1*) (w.e.f. 3-10-2017).

(*2*) No person other than a person engaged in the work of collection of statistics under this Act or preparation of statistics resultant to such collection shall be permitted to see any information schedule or any answer to a question asked, except for the purposes of a [1][penalty] under this Act.

(*3*) No information contained in any information schedule and no answer to any question asked shall, except for the purposes of a [1][penalty] under this Act, be separately published, or disclosed without suppressing the identification of informants to any agency.

(*4*) All statistical information published by any agency shall be arranged in such a manner so as to prevent any particulars becoming identifiable by any person (other than the informant by whom those particulars were supplied) as the particulars relating to the informant who supplied it, even through the process of elimination, unless—

(*a*) that informant has consented to their publication in that manner; or

(*b*) their publication in that manner could not reasonably have been foreseen by the concerned agency or any employee thereof.

(*5*) For the purposes of sub-section (*4*), the Central Government may make such rules or make such arrangement, as it may consider necessary.

10. Appropriate Government authorised to disclose certain information.—Notwithstanding the provisions contained in section 9 of this Act, the appropriate Government may disclose the following information, namely:—

(*a*) information supplied by informant in respect of which disclosure is consented to in writing by the informant or by any person authorised by the said informant;

(*b*) information otherwise available to the public under any Act or as a public document;

(*c*) information in the form of an index or list of the names and addresses of informants together with the classification, if any, allotted to them and the number of persons engaged.

11. Disclosure of information schedules for *bona fide* research or statistical purposes.—(*1*) Notwithstanding the provisions contained in section 9 of this Act, the appropriate Government may disclose individual returns or formats or information schedules to other agency or person or institutions or universities solely for *bona fide* research or statistical purposes pursuant to their functions and duties.

(*2*) No individual return or information schedule shall be disclosed pursuant to this section unless–

(*a*) the name and address of the informant by whom the schedule or related information was supplied is deleted;

(*b*) every agency or person or institutions or Universities involved in the research or statistical project makes a declaration to use the schedules disclosed to them only for *bona fide* research or statistical purposes; and

(*c*) the appropriate Government, making such disclosure is satisfied that the security of the schedules and any information contained therein shall not be impaired.

(*3*) The published results of any research or statistical project shall not divulge any more information than what the agency authorised for collection of statistics could publish under this Act.

(*4*) Every agency or person or institutions or universities to whom any individual return or information schedule is disclosed under this section shall comply with directions given by the agency authorised for collection of statistics making the disclosure relating to the schedules and any information contained therein.

12. Disclosure of historical documents.—Notwithstanding anything contained in section 9 of this Act, the appropriate Government may release such documents relating to information schedules, which in its opinion have attained historical importance.

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1. Subs. by Act 18 of 2023, s. 2 and Schedule for "prosecution" (w.e.f. 10-12-2024).

13. Security of recorded information.—The statistics officer or any person or agency authorised for collection of statistics shall, while copying or recording any statistical information collected pursuant to this Act from individual returns, information schedules, worksheets or any other confidential source by means of cards, tapes, discs, film or any other method, whether using encoded or plain language symbols for processing, storage or reproduction of particulars, take and cause to take such steps as are necessary to ensure that the security provisions of this Act are complied with.

14. Restrictions on use of information.—Save as otherwise provided under this Act,—

(*a*) no information obtained pursuant to this Act and no copy of the information in the possession of any informant shall be disclosed or used as evidence in any proceedings whatsoever; and

(*b*) no person who has access to any information because of his official position in the collection of any statistics shall be compelled in any proceedings whatsoever to give oral testimony regarding the information or to produce any schedule, document, or record with respect to any information obtained in the course of administering this Act,

except in the manner provided under this Act.

[1][CHAPTER IV

PENALTIES AND ADJUDICATION

15. Penalty for neglect or refusal to supply particulars and other contraventions.—(*1*) Whoever fails to produce any books of account, vouchers, documents or other business records or whoever neglects or refuses to fill in and supply the particulars required in any information schedule or return given or sent to him or whoever neglects or refuses to answer any question or inquiry addressed to him as may be required under or for the purposes of any provision of this Act or whoever acts in contravention or fails to comply with any provision of this Act or any rules made thereunder or any requirement imposed under this Act, shall be liable to penalty which may extend to one thousand rupees, and in the case of a company, with a penalty which may extend to one lakh rupees.

(*2*) The imposition of penalty on a person or company shall not relieve him or it of the obligations under sub-section (*1*), and if after the expiry of fourteen days from the date of imposition of penalty, he or it still fails to give the required particulars or continues to neglect or refuse or contravene any provision of this Act or any rules made thereunder or any requirement imposed under this Act, shall be liable to a further penalty which may extend to one thousand rupees, and in the case of a company, to a further penalty which may extend to five thousand rupees, for each day after the first during which the neglect, refusal or contravention continues.

15A. Adjudicating officer.—(*1*) The appropriate Government may, for the purposes of determining the penalties under section 15, appoint an officer as it may deem fit, to be adjudicating officer to hold an inquiry and impose penalty in the manner, as may be prescribed:

Provided that the appropriate Government may appoint as many adjudicating officers as may be required.

(*2*) The adjudicating officer may summon and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any document, which in the opinion of the adjudicating officer, may be useful for, or relevant to, the subject-matter of the inquiry and if, on such inquiry, he is satisfied that the person concerned has failed to comply with the provisions of this Act, he may impose penalty:

Provided that no such penalty shall be imposed without giving the parties concerned a reasonable opportunity of being heard.

15B. Appeal.—(*1*) Whoever aggrieved by the order passed by the adjudicating officer under this Act, may prefer an appeal to the appellate authority, above the rank of the adjudicating officer,

1. Subs. by Act 18 of 2023, s. 2 and Schedule for CHAPTER IV (w.e.f. 10-12-2024).

authorised by the appropriate Government, within thirty days from the date of receipt of order in such form and manner as may be prescribed.

(*2*) An appeal may be admitted after the expiry of the period of thirty days if the appellant satisfies the appellate authority that he had sufficient cause for not preferring the appeal within that period.

(*3*) The appellate authority may, after giving the parties to the appeal an opportunity of being heard, pass such order as he may think fit.

(*4*) The appellate authority referred to in sub-section (*1*) shall dispose of the appeal within sixty days from the date of filing the appeal.

15C. Recovery.—Notwithstanding anything contained in this Act, if penalty imposed under this Act, is not deposited, the amount shall be recovered as an arrear of land revenue.]

CHAPTER V

POWER IN RESPECT OF CORE STATISTICS

27. Power in respect of core statistics.—Without prejudice to the provisions contained in this Act, the Central Government may, by notification in the Official Gazette, declare from time to time any subject for the collection of statistics of national importance as 'core statistics' and make such arrangement, as it may consider necessary, for regulating the collection and dissemination of statistics on the subject so declared.

CHAPTER VI

MISCELLANEOUS

28. Power to give directions.—The Central Government may give directions to any State Government or Union territory Administration or to any local government that is to say Panchayats or Municipalities, as to the carrying into execution of this Act in the State or Union territory or Panchayats or Municipalities, as the case may be.

29. Public servants.—Any statistics officer and any person authorised for the collection of statistics or preparation of official statistics under the provisions of this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (45 of 1860).

30. Bar of jurisdiction.—No civil court shall have jurisdiction to entertain any suit or proceeding in respect of any matter which the appropriate Government or the statistics officer or the agency is empowered by or under this Act to determine, and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

31. Protection of action taken in good faith.—No suit or other legal proceedings shall lie against the appropriate Government or agency or any statistics officer or other officers or employees in respect of anything which is in good faith done or intended to be done in pursuance of this Act or the rules or directions issued thereunder.

32. Overriding effect.—The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force except in relation to the conduct of human population census as per the directions, if any, issued under the Census Act, 1948 (37 of 1948).

33. Power to make rules.—(*1*) The Central Government may, [1][subject to the condition of previous publication] by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing power, the Central Government may make rules under this section for all or any of the following matters, namely:—

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1. Ins. by Act 21 of 2017, s. 6 (w.e.f. 3-10-2017).

(*a*) principles for coordinating as effectively as possible to achieve the objectives of section 3 including nomination and registration of statistics officers by the Central Government and also to avoid unnecessary duplication in the collection of statistics;

[1][(*aa*) the coordination and supervision of statistical activities by the nodal officer and the powers and duties of the nodal officer under sub-section (*2*) of section 3A;]

(*b*) the terms, conditions and safeguards under which any person or agency or company or organisation or association may be engaged by the appropriate Government for the purpose of collection of statistics under sub-section (*3*) of section 4;

(*c*) principles for prescribing the form and manner in which the information may be required to be furnished;

(*d*) principles for prescribing the manner in which the right of access to documents and the right of entry conferred by section 8 may be exercised;

[1][(*da*) the manner of use of information under sub-section (*1*) of section 9;] and

[1][(*db*) the manner of holding inquiry and imposing penalty under sub-section (*1*) of section 15A;

(*dc*) the form and manner of preferring appeal under sub-section (*1*) of section 15B;]

(*e*) any other matter which is to be or may be prescribed under this Act.

(*3*) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

34. Repeal and savings.—(*1*) The Collection of Statistics Act, 1953 (32 of 1953) is hereby repealed.

(*2*) Notwithstanding such repeal, anything done or any action taken under the said Act shall be deemed to have been done or taken under the corresponding provisions of this Act.

(*3*) All rules made under the said Act shall continue to be in force and operate till new rules are made under this Act.

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1. Ins. by Act 18 of 2023, s. 2 and Schedule (w.e.f. 10-12-2024).

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EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)
PART II—Section 3—Sub-section (i)

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सांख्यिकी और कार्यक्रम कार्यान्वयन मंत्रालय

अधिसूचना

नई दिल्ली, 10 दिसम्बर, 2024

सा.का.नि. 761(अ).—केंद्रीय सरकार, सांख्यिकी संग्रहण अधिनियम, 2008 (2009 का 7) की धारा 33 द्वारा प्रदत्त शक्तियों का और प्रयोग करते हुए, सांख्यिकी संग्रहण नियम, 2011 के अधिक्रमण में ऐसे अधिक्रमण से पूर्व किए गए या किए जाने से हटाए गए कार्यों के सिवाए, निम्नलिखित नियम बनाती है, अर्थात्: -

1. **संक्षिप्त नाम और प्रारम्भ:** (1) इन नियमों का संक्षिप्त नाम सांख्यिकी संग्रहण नियम, 2024 है।

(2) ये राजपत्र में प्रकाशन की तारीख से लागू होंगे ।

2. **परिभाषाएं:** (1) इन नियमों में, जब तक कि संदर्भ से अन्यथा अपेक्षित न हो,-

(क) "अधिनियम" से सांख्यिकी संग्रहण अधिनियम 2008 अभिप्रेत है;

(ख) "न्यायनिर्णायक अधिकारी" से अधिनियम की धारा 15क के अधीन नियुक्त अधिकारी अभिप्रेत है;

(ग) "अपीलीय प्राधिकारी" से अधिनियम की धारा 15ख के अधीन समुचित सरकार द्वारा प्राधिकृत अधिकारी अभिप्रेत है;

(घ) "भू-राजस्व का बकाया" से अधिनियम की धारा 15 के अनुसार शास्ति के रूप में देय और वसूली योग्य राशि अभिप्रेत है तथा राजस्व वसूली अधिनियम, 1890 (1890 का 1)के अनुसार वसूली योग्य है;

(ङ) "प्ररुप" से इन नियमों से संलग्न प्ररुप अभिप्रेत है;

(च) "नोडल अधिकारी" से इन नियमों के नियम 3 के अधीन नोडल अधिकारी के रूप में मनोनीत अधिकारी अभिप्रेत है;

(छ) "निजी सूचना" से किसी सूचनादाता के संबंध में ऐसी कोई सूचना, अभिप्रेत है, चाहे वह सत्य है या नहीं, और चाहे वह तात्विक रूप से अभिलिखित की गई है या नहीं है और जिसकी पहचान का अभिनिश्चियन इस प्रकार की सूचना से उपयुक्त रीति से किया जा सके।

(ज) "निर्दिष्ट अवधि" से वह अभिप्रेत है जिस अवधि के दौरान आंकड़े संग्रहीत किए गए और यह परिगणना इकाइयों की विशेषताओं को भी दर्शाती है।

(झ) किसी संघ राज्य क्षेत्र के संबंध में "राज्य सरकार" से उसका प्रशासन अभिप्रेत है; और

(ञ) "आउटसोर्सिंग" से इन नियमों के प्रयोजन के लिए निजी सेवा प्रदाता की सेवाओं का प्रयोग अभिप्रेत है।

(2) उन शब्दों और पदो के, जो इसमें प्रयुक्त किन्तु परिभाषित नहीं हैं के वही अर्थ होंगे, जो क्रमश: उस अधिनियम में हैं।

3. नोडल अधिकारी. - (1) केंद्रीय सरकार, सांख्यिकी मामलों से जुड़े नोडल विभाग में भारत सरकार के संयुक्त सचिव के पंक्ति से अन्यून अधिकारी को, इन नियमों के अधीन शक्तियों का प्रयोग करने एवं कर्तव्यों के निष्पादन के लिए नोडल अधिकारी के रूप में पदाभिहित करेगी।

(2) प्रत्येक राज्य सरकार सांख्यिकी मामलों से जुड़े नोडल विभाग में राज्य सरकार के उप सचिव स्तर के पंक्ति से अन्यून अधिकारी को, इन नियमों के अधीन शक्तियों का प्रयोग करने एवं कर्तव्यों के निष्पादन के लिए नोडल अधिकारी के रूप में पदाभिहित करेगी ।

4. नोडल अधिकारी की शक्तियां एवं कर्तव्य. - (1) नियम 3 के उप नियम (1) के अधीन केंद्रीय सरकार द्वारा अभिहीत किया गया नोडल अधिकारी निम्नलिखित रीति से सांख्यिकीय क्रियाकलापों के समन्वय और पर्यवेक्षण सहित अधिनियम की धारा 3 (क) के अनुसार कर्तव्यों का पालन करेगा, अर्थात्: -

(क) केंद्रीय सरकार द्वारा नियुक्त किए गए सांख्यिकी अधिकारियों, न्यायनिर्णायक अधिकारियों और अपीलीय प्राधिकारी के रजिस्टर का अनुरक्षण एवं अद्यतन करेगा;

(ख) समय-समय पर केंद्रीय सरकार के विभिन्न विभागों और राज्यों के नोडल अधिकारियों से इकाई स्तर के आंकड़ों सहित सांख्यिकी की उपलब्धता से संबंधित सूचना, चाहे वह अधिनियम के उपबंधों के अनुसार संग्रहीत की गई है या नहीं, को प्राप्त करेगा एवं उसका अनुरक्षण करेगा;

(ग) केंद्रीय सरकार के विभागों और राज्यों में नोडल अधिकारियों को प्रशासनिक अभिलेखों की सांख्यिकीय संभावना में सुधार लाने के उपायों पर परामर्श देगा जिससे ऐसे प्रशासनिक अभिलेखों में अंतर्विष्ट या तात्पर्यित सांख्यिकी के संग्रहण के लिए पृथक सर्वेक्षणों से बचा जा सके;

(घ) केंद्रीय सरकार और राज्यों के विभिन्न विभागों के बीच इकाई-स्तरीय डेटा सांख्यिकी सूचना को बांटने का संवर्धन करने के लिए समय-समय पर अनुदेश जारी करना जिससे सांख्यिकी संग्रहण के कार्यक्रमों की अनावश्यक पुनरावृत्ति से बचा जा सके और उनमें विवादों का अथवा मतैक्य यदि कोई हो तो, का समाधान किया जा सके;

(ङ) अधिनियम के कार्यकरण पर केंद्रीय सरकार को वार्षिक रिपोर्ट प्रस्तुत करना; और

(च) नियम 4 के उप नियम (ङ) के अधीन प्रयोजन के लिए, नोडल अधिकारी कोई भी सूचना मांग सकता है, जिसे वह उचित समझे, जिसमें न्यायनिर्णित मामलों की संख्या और समुचित सरकार द्वारा लगाया गया जुर्माना भी सम्मिलित है।

(2) नियम 3 के उप नियम (2) के अधीन राज्य सरकार द्वारा पदाभिहित किया गया नोडल अधिकारी-

(क) राज्य में समय-समय पर नियुक्त किए गए सांख्यिकी अधिकारियों, न्यायनिर्णायक अधिकारियों और अपीलीय प्राधिकारी के रजिस्टर अनुरक्षित एवं अद्यतन करेगा;

(ख) समय-समय पर विभिन्न सरकारी विभागों एवं राज्य में स्थानीय सरकारों से इकाई स्तर के आंकड़ों सहित सांख्यिकी की उपलब्धता से संबंधित सूचना, चाहे वह अधिनियम के उपबंधों के अधीन संग्रहीत की गई है या नहीं, को अभिप्राप्त करेगा एवं उसका अनुरक्षण करेगा;

(ग) राज्य सरकार के विभागों और राज्य में स्थानीय सरकारों को प्रशासनिक अभिलेखों की सांख्यिकीय संभावना में सुधार लाने के लिए किए जाने वाले उपायों का परामर्श देना जिससे ऐसे प्रशासनिक अभिलेखों में अंतर्विष्ट या तात्पर्यित सांख्यिकी के संग्रहण के लिए पृथक सर्वेक्षणों से बचा जा सके;

(घ) राज्य सरकार के विभागों और स्थानीय शासनों के बीच इकाई-स्तर के डाटा सहित सांख्यिकीय सूचना को बांटने का संवर्धन करने के लिए समय-समय पर अनुदेश जारी करना जिससे सांख्यिकी संग्रहण के कार्यक्रमों की अनावश्यक पुनरावृत्ति से बचा जा सके और उनमें विवादों का अथवा मतैक्य यदि कोई हो तो, का समाधान किया जा सके;

(ङ) सरकारी विभागों तथा राज्य में स्थानीय शासनों से इस अधिनियम के कार्यकरण पर यथापेक्षित रिपोर्ट प्राप्त करना, तथा राज्य में इस अधिनियम के कार्यकरण संबंधी वार्षिक रिपोर्ट केंद्रीय सरकार द्वारा नियुक्त नोडल अधिकारी को भेजना; और

(च) नियम 4 के उप नियम (2) के खंड(ड.) में अधीन प्रयोजन के लिए, नोडल अधिकारी कोई भी जानकारी मांग सकता है, जिसे वह उचित समझे, जिसमें न्यायनिर्णित मामलों की संख्या और समुचित सरकार द्वारा लगाया गया जुर्माना भी सम्मिलित है।

5. सांख्यिकी के संग्रहण पर निदेश. - (1) केन्द्रीय सरकार का कोई विभाग अपने क्षेत्राधिकार के अधीन किसी भौगोलिक यूनिट में किसी निर्दिष्ट अवधि के लिए किसी विषय पर सांख्यिकी के संग्रहण हेतु अधिनियम की धारा 3 के अधीन निदेश देने से पहले, केंद्रीय सरकार के नोडल अधिकारी से विचार-विमर्श करेगा जिससे सांख्यिकी के संग्रहण में अनावश्यक पुनरावृत्ति से बचा जा सके।

(2) राज्य सरकार या किसी स्थानीय सरकार का कोई विभाग अपने क्षेत्राधिकार के अधीन किसी भौगोलिक यूनिट में किसी निर्दिष्ट अवधि के लिए किसी विषय पर सांख्यिकी के संग्रहण हेतु अधिनियम की धारा 3 के अधीन निदेश देने से पहले, राज्य सरकार के नोडल अधिकारी से विचार-विमर्श करेगा जिससे सांख्यिकी के संग्रहण में अनावश्यक पुनरावृत्ति से बचा जा सके।

(3) नोडल अधिकारी उप नियम (1) अथवा उप नियम (2) के अधीन, यथास्थिति किसी अनुरोध के प्राप्त होने पर एक माह की अवधि के भीतर संबंधित कार्यालय को यथास्थिति ऐसी सलाह देगा जिससे सांख्यिकी के संग्रहण में अनावश्यक पुनरावृत्ति से बचा जा सके।

(4) समुचित सरकार उपनियम (3) के अधीन सलाह प्राप्त होने पर ऐसी सलाह से असहमति से सभी मामलों की संसूचना नोडल अधिकारी को अधिनियम की धारा 3 के अधीन अधिसूचना जारी करने से पहले कम से कम 15 दिन पूर्व देगी।

(5) इस अधिनियम की धारा 3 के अधीन जारी प्रत्येक अधिसूचना में निम्नलिखित विशिष्टियां अंतर्विष्ट होंगी, अर्थात्: -

(क) सांख्यिकी संग्रहण का विषय एवं प्रयोजन;

(ख) सांख्यिकी संग्रहण हेतु भौगोलिक क्षेत्र;

(ग) आंकड़ा संग्रहण की प्रक्रिया;

(घ) सूचनादाताओं की प्रकृति जिनसे आंकड़े संग्रहीत किए जाने हैं;

(ङ) अवधि जिसके दौरान सांख्यिकी का संग्रहण पूरा किया जाना है;

(च) निर्दिष्ट अवधि;

(छ) संग्रहीत की जाने वाली सूचना का प्रकार;

(ज) भाषा जिसमें सूचनादाता द्वारा सूचना दी जानी है;

(झ) सूचनादाता की बाध्यता;

(ञ) निरीक्षण किए जाने वाले कार्य संबंधी अभिलेखों एवं अन्य अभिलेखों का प्रकार;

(ट) निरीक्षण की रीति; और

(ठ) नियम 7 में दिए अनुसार सांख्यिकी अधिकारियों, न्यायनिर्णायक अधिकारियों और अपीलीय प्राधिकारियों का ब्यौरा ।

(6) उप नियम (5) में संदर्भित प्रत्येक अधिसूचना की एक प्रति केंद्रीय सरकार के नोडल अधिकारी एवं संबंधित राज्य सरकार के नोडल अधिकारी को अग्रेषित की जाए ।

(7) समुचित सरकार ऐसी अधिसूचनाओं को सार्वजनिक डोमेन में रखना चाहेगी।

6. सूचना अनुसूचियां विहित करने के सिद्धांत. - किसी विषय पर सांख्यिकी के संग्रहण हेतु किसी भी रूप में कोई सूचना अनुसूची विहित करने के संबंध में, यथास्थिति समुचित सरकार, स्वयं करेगी कि -

(i) उसे अधिनियम की धारा 3 के परंतुक के अधीन दिए गए निर्बंधनों के अधीन रहते हुए उस विषय पर सांख्यिकी के संग्रहण का निदेश देने का प्राधिकार है;

(ii) उसने सूचना संग्रहीत की जाने वाली मदों को अंतिम रूप देने के प्रयोजनार्थ, अन्य सरकारी विभागों की अपेक्षाओं को शामिल करने के लिए नोडल अधिकारी से विचार-विमर्श किया है;

(iii) निदेश देकर सूचनादाता पर अत्याधिक मांग नहीं डाली जाएगी और जहां आवश्यक हो इस प्रयोजन के लिए सूचना अनुसूची की क्षेत्र जांच कर ली गई हो;

(iv) किसी विषय पर सांख्यिकी के संग्रहण के लिए विनिर्दिष्ट सूचना अनुसूचियों में रेंज और ब्यौरे आंत्यांतिक अपेक्षा तक सीमित रखे जाएंगे;

(v) जहां तक संभव हो रिपोर्ट देने का दायित्व समुचित नमूनाकरण के माध्यम से सूचनादाताओं पर डाला जाएगा;

(vi) कारोबार से संबंधित मांगी गई सूचना, उनके खातों से सहज ही उपलब्ध होनी चाहिए तथा यथासंभव इलेक्ट्रोनिक साधन उपयोग किए जाने चाहिएं ताकि उनके संग्रहण को सुगम बनाया जा सके;

(vii) जब किसी सूचनादाता के पास यथार्थ ब्यौरे सहज में उपलब्ध नहीं हैं तो मांगी गई सूचना की किसी मद पर बेहतर आकलनों एवं मोटे अनुमानों को स्वीकार किया जाएगा;

(viii) किसी सूचनादाता से सांख्यिकी संग्रहण के लिए उपयोग की गई प्रत्येक सूचना अनुसूची में, जहां आवश्यक है, उन विशिष्टियों के लिए उपबंध जिन पर सूचना सूचनादाता के विवेक पर प्रस्तुत की जा सकती है;

(ix) विशिष्टियां भरने तथा सांख्यिकी के संग्रहण में लगे संबंधित व्यक्ति के हस्ताक्षर संलग्न करने के लिए प्रत्येक सूचना अनुसूची में उपबंध किया गया है;

(x) अधिनियम के अधीन उनसे सांख्यिकी का संग्रहण करने से पहले सूचनादाता को सामान्य सूचना के लिए, उनसे एकत्र की गई किसी सूचना को प्रकट करने की अपनी योजना, यदि कोई है, को प्रत्येक सूचना अनुसूची में सूचित कर जो समुचित सरकार की राय में किसी अन्य अधिनियम के अधीन अथवा सार्वजनिक दस्तावेज़ों के रूप में अथवा उनको आबंटित किसी वर्गीकरण, यदि कोई है, तथा संलग्न लोगों की संख्या दोनों के साथ सूचनादाता के नामों और पतों की सारणी अथवा सूची के रूप में उपलब्ध है; और

(xi) प्रत्येक सूचनादाता से, जिनकी खंड (X) अधीन आनेवाली सूचना से भिन्न सूचना के प्रकटन का वह प्रस्ताव करता है कि लिखित स्वीकृति अभिप्राप्त करने के लिए प्रत्येक सूचना अनुसूची में उपबंध करना ।

7. **सांख्यिकी अधिकारियों, न्यायनिर्णायक अधिकारियों और अपीलीय प्राधिकारियों की नियुक्ति.** -(1) समुचित सरकार अधिनियम की धारा 4, 15 (क) और 15 (ख) के अधीन सांख्यिकी अधिकारियों, न्यायनिर्णायक अधिकारियों और अपीलीय प्राधिकारियों की नियुक्ति कर सकती है और उसके संबंध में जारी किसी भी अधिसूचना के माध्यम से निम्नलिखित विवरण प्रदान करेगा, अर्थात्:-

(क) आंकड़ों के संग्रहण के लिए प्रत्येक भौगोलिक इकाई हेतु सांख्यिकी अधिकारी के रूप में नियुक्त अधिकारी का पदनाम और पता;

(ख) आंकड़ों के संग्रहण के लिए प्रत्येक भौगोलिक इकाई हेतु न्यायनिर्णायक अधिकारी के रूप में नियुक्त अधिकारी का पदनाम और पता;

(ग) आंकड़ों के संग्रहण के लिए प्रत्येक भौगोलिक इकाई हेतु अपीलीय प्राधिकारी के रूप में नियुक्त अधिकारी का पदनाम और पता;

(घ) आंकड़ों के संग्रहण से जुड़े किसी अभिकरण अथवा कम्पनी अथवा संगठन अथवा संगम अथवा व्यक्ति के ब्यौरे तथा कार्य से संबंधित निबंधन और शर्तें तथा इस उद्देश्य के लिए निर्धारित रक्षोपाय;

(ङ) अपेक्षित प्रारूप और विशिष्टियां अथवा अंतराल, जिसमें कोई सांख्यिकी अधिकारी, जिसको, सूचनादाताओं द्वारा दी गई सांख्यिकीय सूचना प्रस्तुत की जाएगी; और

(च) अधिनियम की धारा 4 की उप धारा (4) और उप धारा (6) के अधीन किसी सांख्यिकी अधिकारी को प्रत्यायोजित शक्तियां, यदि कोई हों।

2. प्रत्येक सांख्यिकी अधिकारी, न्यायनिर्णायक अधिकारी और अपीलीय प्राधिकारी अपनी नियुक्ति होने के तुरंत बाद समुचित सरकार को प्रपत्र-I में वचन-बंध प्रस्तुत करेगा ।

8. **सांख्यिकी अधिकारियों, न्यायनिर्णायक अधिकारियों और अपीलीय प्राधिकारियों का रजिस्ट्रीकरण. -** समुचित सरकार, इन नियमों की धारा 5 के साथ पठित अधिनियम के धारा 3 के अधीन प्रदान किए गए अधिसूचनाओं के आधार पर प्रारूप-II में सांख्यिकी अधिकारियों, न्यायनिर्णायक अधिकारियों और अपीलीय प्राधिकारियों की नियुक्ति, उनके कार्यकाल और भौगोलिक क्षेत्रों जिनके लिए उनकी नियुक्ति की गई है, के संबंध में एक अभिलेख रखेगी।

9. **सांख्यिकी अधिकारी की शक्तियां और कृत्य. -** किसी भौगोलिक इकाई में किसी विषय के संबंध में आंकड़ों के संग्रहण के प्रयोजनों के लिए नियुक्त किए गए सांख्यिकी अधिकारी के निम्नलिखित कृत्य होंगे:-

(i) अनुदान प्राप्त करना और आंकड़ों के संग्रहण का पर्यवेक्षण करना;

(ii) आंकड़ों के संग्रहण के लिए अभिकरणों की नियुक्ति करना या उन्हें इस कार्य में लगाना;

(iii) आंकड़ों के संग्रहण में लगे व्यक्तियों से प्ररूप-। में वचन-बंध प्राप्त करना तथा उन्हें समुचित सरकार अथवा सरकार द्वारा इस प्रयोजन के लिए अधिकृत अधिकारी को अग्रेषित करना;

(iv) सुसंगत सूचना अनुसूचियों तथा आंकड़ों के संग्रहण की रीति अथवा रीतियों को आवश्यक अनुमोदन के साथ यदि कोई है तो, तैयार करना या करवाना;

(v) अपनी अधिकारिता के अधीन आंकड़ों के संग्रहण के कार्य को ऐसे विभिन्न व्यक्तियों और अभिकरणों को आवंटित करना या करवाना, जो इस प्रयोजन के लिए कार्यरत हैं;

(vi) सभी सुसंगत सामग्री को कार्यरत अभिकरणों को वितरित करना और उनके प्रशिक्षण की व्यवस्था करना, जिससे आंकड़ों के संग्रहण को सुकर बनाया जा सके;

(vii) समुचित समय पर आंकड़ों के संग्रहण के लिए आवश्यक प्रचार-प्रसार की व्यवस्था करवाना;

(viii) आंकड़ों के संग्रहण की अवधि के दौरान सभी अभिकरणों के कार्य में समन्वय करना तथा आंकड़ों के संग्रहण के सूचारू संचालन हेतु स्थानीय प्राधिकारियों के साथ सम्पर्क रखना;

(ix) जहां आवश्यक हो, सूचनादाताओं को, सूचना प्रस्तुत करने के लिए, अपने हस्ताक्षर से सूचना जारी करना तथा ऐसे सूचनादाताओं से प्राप्त हुई पावतियों को सुरक्षित ढंग से रखवाना;

(x) यदि सांख्यिकीय सर्वेक्षणों में विभिन्न निर्दिष्ट अवधियों सहित सूचनादाताओं का समान समूह सम्मिलित है, तो प्रत्येक सूचनादाता को केवल एक सूचना जारी करने के लिए कदम उठाना जिसमें प्रस्तुत की जाने वाली अपेक्षित सूचना और वे निर्दिष्ट अवधियां दर्शाई गई हों, जिनके लिए सूचना अपेक्षित है;

(xi) स्वयं द्वारा प्राधिकृत व्यक्तियों को, आंकड़ों के संग्रहण के लिए किसी सूचनादाता के परिसर में प्रवेश हेतु लिखित स्वीकृति देना तथा उन्हें स्वयं द्वारा जारी फोटो पहचानपत्र प्रदान करना;

(xii) मांगी गई सूचना को प्रस्तुत करने के लिए यदि सूचनादाताओं को किसी सहायता की आवश्यकता हो, तो उन्हें ऐसी सहायता उपलब्ध कराना;

(xiii) किसी सूचनादाता को एकत्रित सूचना तक उस सूचनादाता की पहुंच संभव बनाना जिससे किसी अशुद्ध सूचना की स्थिति में, सुधार अथवा संशोधन के विषय में सूचित करना सुकर हो सके;

(xiv) किसी सूचनादाता द्वारा प्रस्तुत सूचना का सत्यापन कारित करना;

(xv) अधिनियम के उल्लंघन के मामले में, उचित प्रक्रिया का पालन करते हुए अधिनियम और इन नियमों के उपबंध के अनुसरण में अभिकथित उल्लंघनकर्ता के विरुद्ध कार्रवाई शुरु करना;

(xvi) आंकड़ों के संग्रहण में लगे हुए अभिकरणों से सभी सूचना अनुसूचियां प्राप्त करना, आंकड़ों के संग्रहण में लगे हुए सभी व्यक्तियों से वचन-बंध अभिप्राप्त करना, उनके कार्य के पूरा होने पर अन्य सभी सुसंगत अभिलेख और दस्तावेज अभिप्राप्त करना तथा उस निमित्त प्रमाण पत्र के साथ उन्हें समुचित सरकार अथवा उस सरकार द्वारा प्राधिकृत किसी अधिकारी को अग्रेषित करना;

(xvii) ऐसे अन्य कार्यों को करना जो आंकड़ों के सफल संग्रहण के लिए आवश्यक हों;

(xviii) ऐसी आवधिक रिपोर्टों को प्रस्तुत करना जो समुचित सरकार द्वारा विनिर्दिष्ट की जाएं;

(xix) अधिनियम के उल्लंघन, उनके निपटान, शास्तियों और वसूली के विवरण और उनकी स्थिति के रूप में दर्ज किए मामलों के रजिस्टर को बनाए रखना;

(xx) न्यायनिर्णायक अधिकारी अथवा अपीलीय प्राधिकारी के आदेशों के अनुसरण में अर्थदंड के देय होने पर शास्ति के निक्षेप के आदेश के अनुपालन, की निगरानी करना; और

(xxi) यथा आदेशित शास्ति के जमा न करने के मामले में भू-राजस्व के बकाए के रूप में शास्ति के वसूली की प्रक्रिया शुरु करना ।

10. **आंकड़ों के संग्रहण में सहायता. -** (1) केन्द्रीय सरकार अथवा राज्य सरकार अथवा स्थानीय शासनों का प्रत्येक विभाग, यथा अपेक्षित समय और प्ररूप में, सूचनादाताओं की सूची और उनके पास उपलब्ध ऐसी अन्य सूचना जो इन

नियमों के अधीन किसी सांख्यिकी सर्वेक्षण को आयोजित करने के लिए सुसंगत है, सांख्यिकी अधिकारी या समुचित सरकार द्वारा प्राधिकृत किसी अभिकरण या व्यक्ति को, इस निमित्त की प्राप्ति पर प्रस्तुत करेगा ।

(2) यथाशक्ति समुचित सरकार अथवा सांख्यिकी अधिकारी, अधिनियम के अधीन आंकड़ों के संग्रहण के लिए अपेक्षित सहायता की प्रकृति का विशेष उल्लेख करते हुए, केंद्रीय सरकार अथवा राज्य शासन या किसी स्थानीय शासन के किसी विभाग को पत्र लिख सकता है तथा ऐसे पत्र की प्राप्ति पर, उक्त विभाग यथासाध्य आवश्यकता की पूर्ति करेगा।

(3) विक्षुब्ध क्षेत्रों में आंकड़ों के संग्रहण की दशा में, पुलिस, अर्द्ध सैन्य बलों और सैन्य बलों द्वारा संबंधित सांख्यिकी अधिकारी को ऐसी सहायता प्रदान की जाएगी जो वह अपेक्षित समझे।

11. सूचना देने का कर्त्तव्य. - अधिनियम की धारा 6 के उपबंधों के अधीन रहते हुए,-

(i) प्रत्येक सूचनादाता को अधिनियम के अधीन सांख्यिकी संग्रहण से संबंधित अपने आधिपत्य में लेखा पुस्तको, वाउचरों, दस्तावेजों, अथवा कारोबार से जुड़े अन्य अभिलेख अथवा व्यक्तिगत अभिलेख अथवा दस्तावेजों के मांगे जाने पर सांख्यिकी अधिकारी अथवा ऐसे व्यक्ति को प्रस्तुत करने होंगे जो लिखित रूप में सांख्यिकी अधिकारी द्वारा प्राधिकृत किया गया हो तथा उसके द्वारा उसे फोटो पहचान- पत्र जारी किया गया हो, तथा यथास्थिति सांख्यिकी अधिकारी अथवा प्राधिकृत व्यक्ति, ऐसे अभिलेख एवं दस्तावेजों के सारांश ले सकेगा; और

(ii) प्रत्येक कुटुम्ब का मुखिया आश्रितों सहित परिवार के सदस्यों के नाम और संख्या, अन्य विशिष्टियां, अभिलेख और यथापेक्षित अन्य दस्तावेज प्रस्तुत करने के लिए अथवा प्रस्तुत करवाने के लिए दायी होगाः

परंतु यह कि जहां तक अनाथालयों, वृद्ध आश्रमों तथा पागलखानों जैसी संस्थाओं के निवासियों का संबंध है, अपेक्षित विवरण, अभिलेख तथा दस्तावेज उपलब्ध करने अथवा करवाने का दायित्व संस्था के प्रमुख का होगा ।

12. आउटसोर्सिंग के लिए सामान्य नियम, शर्तें एवं रक्षोपाय. - किसी भी व्यक्ति अथवा अभिकरण अथवा कंपनी अथवा संगठन अथवा संगम द्वारा अधिनियम के अधीन सांख्यिकी संग्रहण हेतु प्रत्येक संविदा अथवा व्यवस्था निम्नलिखित नियम, शर्तों तथा रक्षोपाय के अध्यधीन होगी, अर्थातः-

(क) आउटसोर्सिंग की व्यवस्था औपचारिक तथा व्यापक लिखित अनुबंध के अध्यधीन होगी;

(ख) कार्य जिनका विनिश्चय तथा प्रवर्तन अधिनियम के अधीन समुचित सरकार द्वारा किया जाना है, को आउटसोर्स से नहीं किया जाएगा;

(ग) समुचित सरकार अथवा सांख्यिकी अधिकारी अथवा उस सरकार द्वारा इस निमित्त प्राधिकृत अधिकारी को आउटसोर्सिंग सेवा प्रदाता के परिसर अथवा कार्य स्थल की सूचना तथा कार्यस्थल का निरीक्षण करने अथवा इसका आदेश देने का अधिकार होगा तथा असंतोषजनक कार्यनिष्पादन के मामले में संविदा रद्द करने का अधिकार होगा;

(घ) सांख्यिकी संग्रहण से जुड़े प्रत्येक अभिकरण को सांख्यिकी अधिकारी अथवा उसके द्वारा लिखित रूप में प्राधिकृत व्यक्ति अथवा अभिकरण को वह समस्त सहायता तथा मदद देनी होगी तथा वैसी सूचना प्रदान करनी होगी जो वह उसके कार्य निष्पादन के लिए अपेक्षित हो, तथा निरीक्षण एवं जाँच के लिए आवश्यकतानुसार जो भी अभिलेख, योजना तथा अन्य दस्तावेज अपेक्षित हो, वह उपलब्ध कराएं;

(ङ.) किसी अभिकरण द्वारा सांख्यिकी संग्रहण के कार्य में नियुक्त व्यक्तियों को अभिकरण की बाध्यता के बारे में अवगत कराया जाना चाहिए, तथा ऐसे व्यक्ति संबंधित सांख्यिकी अधिकारी को प्रारुप में लिखित वचनबंध देगें कि वे अपने नियोजन के कर्तव्य निष्पादन अथवा सिवाए संविदा बाध्यता के व्यक्तिगत सूचना को एक्सेस नहीं करेंगे, उसका प्रयोग नहीं करेंगे, उसका प्रकटन नहीं करेंगे अथवा उसे अपने पास नहीं रखेंगे; साथ ही, उन्हें अवगत कराया गया है कि अधिनियम के उपबंधों तथा इन नियमों का अनुपालन न करना एक अपराध होगा जिसके लिए वे अधिनियम के उपबंधों के अधीन शास्ति के दायी होंगे;

(च) सांख्यिकी संग्रहण से संबंधित किसी भी कार्यकलाप से जुड़ा प्रत्येक व्यक्ति अधिनियम के उपबंधों तथा इन नियमों से बाध्य होगा, तथा इसका अतिक्रमण होने पर वह अधिनियम के उपबंधों के अनुसार शास्ति का दायी होगा;

(छ) सूचना के प्रकटन से संबंधित उपबंध और धारा 9, धारा 10, धारा 11, धारा 12, धारा 13 और धारा 14 के अधीन उसके प्रयोग पर निबंधन तथा यह नियम संविदा में उपबंधित सांख्यिकी के संग्रहण की अवधि के दौरान प्रभावी होंगे और यथास्थिति संविदा की समाप्ति या पूरा होने पर भी प्रभावी रहेंगे;

(ज) किसी शिकायत के प्राप्त होने पर समुचित सरकार अथवा सांख्यिकी अधिकारी तुरंत सांख्यिकी संग्रहण में नियोजित अभिकरण को शिकायत के केवल उन ब्यौरों की संसूचना देगा जो करार भंग का या किसी भावी करार भंग को न्यूनतम करने या अधिनियम के किन्हीं उपबंधों की अनुपालना करने में या इन नियमों की अनुपालना करने में असफलता का निवारण करने के लिए आवश्यक हो;

(झ) सांख्यिकी संग्रहण में नियोजित कोई अभिकरण यदि किसी सूचनादाता से कोई शिकायत प्राप्त करता है तो इसकी सूचना तुरंत यथा अपेक्षित समुचित सरकार या संबंधित सांख्यिकी अधिकारी या समुचित सरकार द्वारा नियुक्त कोई अन्य प्राधिकारी, को देगा;

(ञ) खंड (ज) अथवा खंड (झ) के अधीन शिकायत प्राप्त होने पर समुचित सरकार अथवा सांख्यिकी अधिकारी अभिकरण को यथा अपेक्षित निदेश देगा; और

(ट) सांख्यिकी अधिकारी और सांख्यिकी संग्रहण में नियोजित प्रत्येक व्यक्ति अपना कार्य पूरा होने पर सभी अभिलेखों और दस्तावेजों को सौंपेगा और समुचित सरकार या इस प्रयोजन के लिए उस सरकार द्वारा प्राधिकृत व्यक्ति को एक प्रमाणपत्र प्रस्तुत करेगा ।

13. व्यक्तिगत सूचना के प्रयोग पर निर्बंधन. - सांख्यिकी संग्रहण में नियोजित प्रत्येक अभिकरण युक्तियुक्त उपाय करेगी ताकि यह सुनिश्चय किया जा सके कि-

(क) वैयक्तिक सूचना अप्राधिकृत पहुंच, प्रकटन या अन्य दुरुपयोग से संरक्षित है;

(ख) अभिकरण वैयक्तिक सूचना का उपयोग विनिर्दिष्ट संविदा के अधीन अपनी बाध्यताओं को पूरा करने के लिए करती है;

(ग) समान सूचनादाताओं के सेट से पुनरावृर्तिक सांख्यिकी सर्वेक्षणों की दशा में अभिकरण पहले से ही संग्रहित वैयक्तिक सूचना का प्रयोग साक्षात्कार के लिए या अन्यथा सूचनादाताओं से संपर्क स्थापित करने के लिए करता है; और

(घ) अभिकरण द्वारा प्रसंस्करण के लिए वैयक्तिक सूचना का प्रयोग पर्याप्त सुरक्षा जांच के साथ करता है।

14. सूचनादाताओं के किसी भी परिसर में प्रवेश का अधिकार. - सांख्यिकी अधिकारी अथवा उसके द्वारा लिखित रूप से प्राधिकृत तथा उसके द्वारा जारी फोटो पहचान पत्र रखने वाले व्यक्ति को अधिनियम के अधीन सांख्यिकी संग्रहण के प्रयोजन के लिए आंकड़ा संग्रहण की अवधि के दौरान अथवा इसके संबंध में अभिलेखों तथा दस्तावेजों के निरीक्षण एवं जांच के लिए किसी भी दिन 10.00 बजे से 17.00 बजे के दौरान अथवा दोनों पक्षों द्वारा आपसी सहमति के अनुसार तय समय पर सूचनादाता के परिसर के उस भाग में जहां सामान्यतः आगंतुक अथवा अतिथि आते-जाते हैं अथवा सूचनादाता द्वारा सुझाये गए स्थान पर प्रवेश का अधिकार होगा ।

15. अधिनियम के किसी भी कथित उल्लंघन से उत्पन्न होने वाले मामलों की प्रक्रिया. - (1) सूचनादाता द्वारा अधिनियम के किसी भी कथित उल्लंघन के मामलों में, सांख्यिकी अधिकारी, ऐसी जांच करने के बाद, लिखित रूप में कथित उल्लंघनकर्ता को नोटिस जारी कर सकता है, जिसमें निर्दिष्ट समय की उचित अवधि के भीतर कारण बताना होगा कि अधिनियम के उपबंधों के उल्लंघन के लिए उसके विरुद्ध दंड की कार्यवाही क्यों शुरू नहीं की जानी चाहिए।

(2) एक सांख्यिकी अधिकारी, इस नियम के उपनियम (1) के अधीन जारी नोटिस के अनुसरण में कथित उल्लंघनकर्ता द्वारा दिए गए स्पष्टीकरण, यदि कोई हो, पर विचार करने के बाद और लिखित रूप में अभिलिखित किए जाने वाले कारणों के लिए स्वयं को संतुष्ट करने के बाद, कथित उल्लंघनकर्ता द्वारा दिए गए स्पष्टीकरण के साथ मामले को अग्रेषित करेगा, और साथ ही न्यायनिर्णायक अधिकारी को दंड की कार्यवाही शुरू करने के लिए आधार भी देगा।

(3) सूचनादाता के अलावा किसी अन्य व्यक्ति द्वारा अधिनियम का कथित उल्लंघन किए जाने की स्थिति में, समुचित सरकार नियमों के अनुसार जांच करने के पश्चात् उस व्यक्ति को लिखित में नोटिस जारी कर सकती है, जिससे वह नोटिस में निर्दिष्ट उचित अवधि के भीतर कारण बताए कि अधिनियम के उपबंधों के उल्लंघन के लिए उसके विरुद्ध दंडात्मक कार्यवाही क्यों न प्रारंभ की जाए।

(4) समुचित सरकार, यदि वह आवश्यक समझे, इस नियम के उपनियम (3) के अधीन जारी कारण बताओ नोटिस की एक प्रति तथा कथित उल्लंघनकर्ता से प्राप्त स्पष्टीकरण, यदि कोई हो, संबंधित न्यायनिर्णायक अधिकारी को शास्ति निर्धारण तथा अधिरोपण या अन्यथा जांच करने के लिए भेज सकती है।

(5) ऐसे मामलों में जहां सूचनादाता के अलावा अन्य व्यक्ति अधिनियम के उपबंधों का उल्लंघन करते हैं, समुचित सरकार, यदि वह आवश्यक समझे, अधिनियम के उपबंधों के संबंध में रिपोर्ट किए गए कथित उल्लंघनों की प्रकृति पर लागू नियमों के अनुसार स्वतंत्र कार्यवाही शुरू कर सकती है।

15क. शास्ति का अवधारण और अधिरोपण. -

(1) समुचित सरकार, अधिनियम के उपबंधों के अधीन जांच करने तथा जुर्माना लगाने के लिए न्यायनिर्णायक अधिकारी के रूप में, आवश्यकतानुसार उतने अधिकारियों को नियुक्त कर सकती है, जो सांख्यिकी अधिकारी के पद से नीचे के नहीं होंगे।

(2) जब भी अवधारण और जुर्माना लगाने के लिए कथित उल्लंघन का मामला संदर्भित किया जाता है, तो न्यायनिर्णायक अधिकारी मामले की जांच करेगा और व्यक्तिगत रूप से या आभासी या किसी अन्य स्वीकार्य रीति से सुनवाई करेगा।

(3) न्यायनिर्णायक अधिकारी मामले के तथ्यों और परिस्थितियों से परिचित व्यक्ति सहित पक्षकारों को सुनवाई की निर्धारित तारीख से कम से कम पन्द्रह दिन पूर्व नाम सहित, कथित उल्लंघन, तिथि, स्थान और सुनवाई के तरीके का उल्लेख करते हुए, मामले के सुसंगत दस्तावेजों सहित सुनवाई का नोटिस जारी करेगा।

(4) सुनवाई की सूचना में लिखित संचार प्रस्तुत करने का भी उपबंध किया जा सकता है, जो मामले के निर्णय के लिए सुसंगत हो सकता है, यदि पक्षकार सुनवाई की तारीख से पहले ऐसा चाहें।

(5) सुनवाई की सूचना निम्नलिखित रीति से दी जाएगी, अर्थात्-:

(i) स्पीड डाक अथवा रजिस्ट्री डाक द्वारा;

(ii) इलेक्ट्रॉनिक पता उपलब्ध होने की स्थिति में इलेक्ट्रॉनिक मेल द्वारा;

और सुपुर्दगी का सबूत केस फाइल के अभिलेख में रखा जाएगा।

(6) पक्षकार मामले की सुनवाई के समय वीडियो कॉन्फ्रेंसिंग सहित विनिश्चय करने वाले न्यायनिर्णायक अधिकारी द्वारा तय की गई सुनवाई के निर्दिष्ट रीति से व्यक्तिगत रूप से या अपने विधिवत अधिकृत प्रतिनिधि के माध्यम से उपस्थित हो सकते हैं, यदि वीडियो कॉन्फ्रेंसिंग की सुविधा उपलब्ध है।

(7) न्यायनिर्णायक अधिकारी, पक्षकारों की सुनवाई के पश्चात अपने हस्ताक्षर तथा अपने द्वारा प्रतिनिधित्व किए जाने वाले प्राधिकारी की मुहर सहित एक तर्कपूर्ण तथा स्पष्ट आदेश पारित करेगा। उक्त आदेश की एक प्रति पक्षकारों को तामील की जाएगी तथा सुपुर्दगी का सबूत मामले की फाइल के अभिलेख में रखा जाएगा।

(8) यदि उल्लंघनकर्ता पर अधिनियम के उपबंधों के अधीन जुर्माना लगाया गया है, तो अपीलीय प्राधिकारी का विवरण और न्यायनिर्णायक अधिकारी द्वारा पारित आदेश के खिलाफ अपील करने की समय-सीमा प्रदान की जाएगी। इसके अतिरिक्त, सरकारी खाते का विवरण और जुर्माना राशि की वसूली की रीति और साथ ही राशि जमा करने की समय-सीमा तीस दिनों से कम नहीं होनी चाहिए, आदेश में प्रदान की जाएगी। इसके अलावा, यदि जुर्माना समय-सीमा के भीतर जमा नहीं किया जाता है, तो भू-राजस्व के बकाया के रूप में वसूली की प्रक्रिया का भी आदेश में उल्लेख किया जाएगा।

(9) आदेश में उल्लंघनकर्ता द्वारा जुर्माना आदेश के अनुपालन की रिपोर्ट सांख्यिकी अधिकारी को देने का भी उल्लेख होना चाहिए।

15कक. न्यायनिर्णायक अधिकारी की शक्तियां: - अधिनियम की धारा 15क के अधीन जांच करने और जुर्माना लगाने के लिए नियुक्त न्यायनिर्णायक अधिकारी के पास निम्नलिखित शक्तियां भी होंगी-

(i) पक्षकारों से शपथ या शपथपत्र पर मौखिक या लिखित साक्ष्य मांगना, जिसमें किसी अन्य व्यक्ति से भी साक्ष्य मांगना सम्मिलित है, जिसे बुलाया गया हो;

(ii) सुसंगत दस्तावेजों, अभिलेखों या उनकी प्रतियों का अवलोकन या निरीक्षण करना;

(iii) मामले के तथ्यों और परिस्थितियों से परिचित किसी भी व्यक्ति को बुलाना और उसकी उपस्थिति सुनिश्चित करना। जिला प्रशासन सहित कोई भी उपयुक्त अभिकरण अधिनियम के अधीन नियुक्त न्यायनिर्णायक अधिकारी के कर्तव्यों का निर्वहन करते समय किसी भी व्यक्ति की उपस्थिति सुनिश्चित करने के संबंध में संदर्भ प्राप्त होने पर ऐसी सहायता प्रदान करेगी।

15ख. न्यायनिर्णायक अधिकारी के आदेश के विरुद्ध अपील. -

(1) समुचित सरकार, न्यायनिर्णायक अधिकारी के पद से ऊपर के अपने किसी भी अधिकारी को अधिनियम के उपबंधों के अधीन अपीलीय प्राधिकारी नियुक्त कर सकेगी।

(2) जो कोई इस अधिनियम के अधीन न्यायनिर्णायक अधिकारी द्वारा पारित आदेश से व्यथित है, वह आदेश प्राप्ति की तारीख से तीस दिन के भीतर प्ररूप-III में अपील प्राधिकारी को अपील कर सकेगा।

(3) तीस दिन की अवधि समाप्त होने के बाद भी अपील स्वीकार की जा सकेगी, यदि अपीलकर्ता अपीलीय प्राधिकारी को यह संतुष्टि दे दे कि उसके पास उस अवधि के भीतर अपील न करने का पर्याप्त कारण था। यदि अपील न्यायनिर्णायक अधिकारी के आदेश के विरुद्ध की गई है, तो न्यायनिर्णायक अधिकारी के आदेश का क्रियान्वयन अपील के निपटारे तक स्थगित रखा जाएगा।

(4) जब कभी ऐसी अपील प्राप्त होती है, तो अपीलीय प्राधिकारी व्यक्तिगत रूप से या वर्चुअल रूप से या किसी अन्य स्वीकार्य रीति से, जैसा कि अपीलीय प्राधिकारी द्वारा तय किया जाए, सुनवाई करेगा।

(5) अपीलीय प्राधिकारी मामले के तथ्यों और परिस्थितियों से परिचित व्यक्ति (व्यक्तियों) सहित पक्षकारों को सुनवाई की निर्धारित तारीख से कम से कम पंद्रह दिन पूर्व नाम, तारीख, स्थान और सुनवाई की रीति के साथ-साथ अपील की प्राप्ति के सुसंगत दस्तावेजों सहित सुनवाई की सूचना जारी करेगा।

(6) सुनवाई की सूचना में पक्षकारों द्वारा लिखित संचार प्रस्तुत करने का भी उपबंध किया जा सकता है, जो अपील पर निर्णय लेने के लिए सुसंगत हो सकता है, यदि वे सुनवाई की तारीख से कम से कम 5 दिन पहले ऐसा चाहें।

(7) सुनवाई की सूचना निम्नलिखित रीति से दी जाएगी, अर्थात्-:

(i) स्पीड डाक अथवा रजिस्ट्री डाक द्वारा;

(ii) इलेक्ट्रॉनिक पता उपलब्ध होने की स्थिति में इलेक्ट्रॉनिक मेल द्वारा; और सुपुर्दगी का सबूत केस फाइल के रिकॉर्ड में रखा जाएगा।

(8) पक्षकार मामले की सुनवाई के समय व्यक्तिगत रूप से या अपने विधिवत् प्राधिकृत प्रतिनिधि के माध्यम से वीडियो कॉन्फ्रेंसिंग सहित अपीलीय प्राधिकारी द्वारा निर्धारित सुनवाई के निर्दिष्ट रीति से उपस्थित हो सकते हैं, यदि वीडियो कॉन्फ्रेंसिंग की सुविधा उपलब्ध है।

(9) अपील प्राधिकारी अपील के पक्षकारों को सुनवाई का अवसर देने के पश्चात ऐसा आदेश पारित कर सकेगा जैसा वह ठीक समझे।

(10) उक्त आदेश की एक प्रति संबंधित पक्षकारों और सांख्यिकी अधिकारी को तामील की जाएगी तथा सुपुर्दगी का सबूत मामले की फाइल के अभिलेख में रखा जाएगा।

(11) यदि अपीलीय प्राधिकारी ने न्यायनिर्णायक अधिकारी के आदेश को यथावत रखा है, तो अपील के विनिश्चय में उक्त आदेश के अनुपालन की समयसीमा का भी उल्लेख किया जाना चाहिए।

(12) अधिनियम की धारा 15ख की उपधारा (1) में निर्दिष्ट अपीलीय प्राधिकारी अपील दायर करने की तारीख से साठ दिन के भीतर अपील का निपटारा करेगा।

16. आंकड़ों और अभिलेखों का भंडारण. अधिनियम की धारा -13 के उपबंधों के अधीन रहते हुए, समुचित सरकार या उस सरकार द्वारा प्राधिकृत कोई अधिकारी, ऐसे ब्यौरे उपलब्ध कराएगा, जिनके द्वारा कोई भी सूचनादाता किसी गलत सूचना में सुधार या संशोधन की सूचना देने में सुविधा प्रदान करने के लिए अपनी सूचना तक पहुंच सकता है, अधिनियम के उपबंधों के अधीन एकत्रित आंकड़ों को ऐसी रीति से संग्रहीत करेगा, जिससे किसी भी सूचनादाता से एकत्रित सूचना को आसानी से प्राप्त किया जा सके, जिससे यदि आवश्यक हो, तो सूचनादाता तक पहुंच प्रदान की जा सके और सांख्यिकी अधिकारियों तथा सांख्यिकी संग्रह में लगे अन्य व्यक्तियों या अधिकरण से प्राप्त सभी वचनबंध और अन्य सामग्री को सुरक-ंषित अभिरक्षा में रखेगा।

17. निरसन और व्यावृत्ति. – (1) सांख्यिकी संग्रहण नियम, 2011 को इसके द्वारा निरसित किया जाता है।

(2) ऐसे निरसन के होते हुए भी, उक्त नियमों के अधीन किया गया कोई भी काम या कोई कार्रवाई इन नियमों के संबंधित उपबंधों के अधीन किया गया या की गई मानी जाएगी।

प्ररुप-1

[नियम 7 (2), 9 (iii) तथा 12 (ड.) देखें]

सांख्यिकी संग्रहण अधिनियम, 2008 (2009 का 7) के उपबंधों के अधीन सांख्यिकी का संग्रहण करने हेतु नियत किए गए सांख्यिकी अधिकारी अथवा न्यायनिर्णायक अधिकारी अथवा अपीलीय प्राधिकारी द्वारा दी गई वचन-बंध

मैं, (पूरा नाम), जन्म तिथि ____(जन्म तिथि), पुत्र अथवा पुत्री अथवा पत्नी_____ (व्यक्ति का नाम) निवासी (पता) यह स्वीकार करता हूँ कि मैं सांख्यिकी के संग्रहण हेतु सांख्यिकी संग्रहण अधिनियम, 2008 (2009का 7), जन विश्वास (संशोधन) अधिनियम, 2023 तथा सांख्यिकी संग्रहण नियम, 2024 के अधीन _____(अधिनियम की धारा 3 अथवा धारा 15क अथवा धारा 15ख के अधीन दिए गए निदेश) दिए गए उत्तरदायित्व _____(काम की प्रकृति) को स्वीकार करता हूँ तथा यह वचन देता हूँ कि मैं अपने कार्य के निष्पादन अथवा संविदात्मक बाध्यता के इतर किसी भी जानकारीप्रदाता की निजी जानकारी तक पहुँच, उपयोग, उद्घाटन अथवा संरक्षण नहीं करूंगा, और मेरे द्वारा अधिनियम के उपबंधों तथा इनके अंतर्गत बनाए गए नियमों का उल्लंघन किए जाने की स्थिति में, मैं अधिनियम के उपबंधों अथवा संबद्ध विधि के अंतर्गत उत्तरदायी ठहराया जाऊंगा.

स्थान

:_____

तारीख

:_____

सांख्यिकी अधिकारी अथवा न्यायनिर्णायक अधिकारी अथवा अपीलीय प्राधिकारी
अथवा सांख्यिकी संग्रहण के कार्य में लगे हुए व्यक्ति के हस्ताक्षर

प्ररुप –2

(नियम 8 देखें)

समुचित सरकार द्वारा रखरखाव किए जाने वाले सांख्यिकी अधिकारियों अथवा न्यायनिर्णायक अधिकारियों अथवा अपीलीय प्राधिकारियों का रजिस्टर

1. सांख्यिकी संग्रहण अधिनियम, 2008 की धारा 3 के अधीन जारी निदेश का विवरण:
2. निदेश बनाने वाली समुचित सरकार का नाम और पता:

3(क). पूर्वोक्त निदेश के अधीन आकड़ों के संग्रहण के लिए तैनात किए गए सांख्यिकी अधिकारी का विवरण:

क्र.सं.	सांख्यिकी अधिकारी का पद नाम	कार्यालय का पता	जिस भौगोलिक इकाई के लिए नियुक्त किया गया	अधिनियम की धारा 4(4) और धारा 4(6) के अधीन प्रत्यायोजित शक्तियां, यदि कोई हों
(1)	(2)	(3)	(4)	(5)

नियुक्ति की तारीख	नियुक्ति की अवधि
(6)	(7)

(ख) विवरण का न्यायनिर्णायक अधिकारियों के लिए संग्रह का आंकड़े अधीन पूर्वोक्त निदेश:

क्र.सं.	न्यायनिर्णायक अधिकारी का पद नाम	कार्यालय का पता	जिस भौगोलिक इकाई के लिए नियुक्त किया गया
(1)	(2)	(3)	(4)

नियुक्ति की तारीख	नियुक्ति की अवधि
(5)	(6)

(ग) पूर्वोक्त निदेश के अधीन सांख्यिकीय संग्रहण के किए अपीलीय प्राधिकारी का विवरण:

क्र.सं.	अपीलीय प्राधिकारी का पदनाम	कार्यालय का पता	भौगोलिक इकाई जिसके लिए नियुक्त किया गया
(1)	(2)	(3)	(4)

नियुक्ति की तारीख	नियुक्ति की अवधि
(5)	(6)

स्थान : _____

तारीख : _____

सांख्यिकी अधिकारियों, न्यायनिर्णायक अधिकारियों और अपीलीय प्राधिकारियों के रिकॉर्ड को बनाए रखने के लिए उत्तरदायी अधिकारी के कार्यालय मुहर के साथ हस्ताक्षर

प्ररुप-3 (न्यायनिर्णायक अधिकारी के आदेश के विरुद्ध याचिका दायर करने हेतु प्रपत्र)

[नियम15 ख देखें]

सेवा में

अधिनियम के अधीन नियुक्त अपीलीय प्राधिकारी:

अपीलीय प्राधिकारी का भौगोलिक क्षेत्राधिकार:

विषय :अधिनियम की धारा 15 ख के अंतर्गत याचिका

1. अपीलार्थी का नाम और पता..... .
2. न्यायनिर्णायक अधिकारी का नाम और पता..... .
3. उस मामले का विवरण जिसके लिए जुर्माना लगाया गया है
.....
.....
4. उस आदेश का विवरण, संख्या और तारीख सहित, यदि कोई है, जिसके लिए याचिका दायर की गई
.....
5. जुर्माने की राशि (राशि रु. में).....
6. याचिका के लिए आधार .....
7. याचिका में की गई प्रार्थना या मांगी गई राहत .....
8. याचिका के लिए कोई अन्य सुसंगत सूचना.....
9. क्या याचिका 30 दिन के भीतर फाईल की गई है (हां /नहीं)? यदि नहीं, तो विलंब का कारण :
.....

स्थान.....

तारीख.....

अपीलार्थी का नाम .....

हस्ताक्षर.....

पत्र-व्यवहार के लिए पता (मोबाइल अथवा टेलीफोन नं और ईमेल, जहां कहीं भी उपलब्ध हो, सहित) संलग्नक:

1. न्यायनिर्णायक अधिकारी द्वारा पारित आदेश की प्रति।
2. मामले की सुनवाई के समय न्यायनिर्णायक अधिकारी से प्राप्त मामला संबंधी दस्तावेज।
3. कोई अन्य सुसंगत विश्वसनीय सामग्री ।
4. विलम्ब, यदि कोई है, के लिए औचित्य।

[फ़ा.सं.12011/1/2018-सीएपी]

सी. के. झा, उप-महानिदेशक(सीआईसीडी)

MINISTRY OF STATISTICS AND PROGRAMME IMPLEMENTATION

NOTIFICATION

New Delhi, the 10th December, 2024

G.S.R. 761(E).—In exercise of the powers conferred by section 33 of the Collection of Statistics Act, 2008 (7 of 2009), and in supersession of the Collection of Statistics Rules, 2011, except as respects things done or omitted to be done before such supersession, the Central Government hereby makes the following rules, namely:-

1. Short title and commencement: (1) These rules may be called the Collection of Statistics Rules, 2024.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions: (1) In these rules, unless the context otherwise requires,-

(a) "Act" means the Collection of Statistics Act, 2008;

(b) "adjudicating officer" means the officer appointed under section 15A of the Act;

(c) "appellate authority" means the officer authorised by appropriate government under section 15B of the Act;

(d) "arrear of land revenue" means the amount due and recoverable as penalty in terms of the section 15 of the Act and recoverable in accordance with the Revenue Recovery Act, 1890 (1 of 1890);

(e) "Form" means a form appended to these rules;

(f) "nodal officer" means an officer designated as nodal officer under rule 3 of these rules;

(g) "personal information" means any information, whether true or not, and whether recorded in a material form or not, about an informant whose identity can reasonably be ascertained from such information;

(h) "reference period" means the time period over which the data collected reflects the characteristics of the units of enumeration;

(i) "State Government", in relation to a Union territory, means the Administration thereof; and

(j) "outsourcing" means making use of the services of a private service provider for the purposes of these rules.

(2) Words and expressions used but not defined herein shall have the meanings respectively assigned to them in the Act.

3. Nodal officer. - (1) The Central Government shall designate an officer not below the rank of a Joint Secretary to the Government of India in a nodal Department dealing with statistical matters, as the nodal officer for exercising powers and performing duties under these rules.

(2) Every State Government shall designate an officer not below the rank of a Deputy Secretary to the State Government in a nodal Department dealing with statistical matters, as the nodal officer for exercising powers and performing duties under these rules.

4. Powers and duties of nodal officer. - (1) The nodal officer designated by the Central Government under sub-rule (1) of rule 3 shall perform the duties as per section 3A of the Act including coordination and supervision of statistical activities in the following manner, namely:-

(a) maintain and update the register of statistics officers, adjudicating officers and appellate authority appointed by the Central Government;

(b) obtain and maintain, from time to time, information on the availability of statistics including unit-level data, whether collected under the provisions of the Act or not, with different Departments of the Central Government and nodal officers in the States;

(c) advise the Departments of the Central Government and the nodal officers in the States on steps to improve the statistical potential of administrative records to avoid conducting separate statistical surveys to collect statisticscontained or purported to be contained in such administrative records;

(d) issue instructions from time to time on promoting the sharing of statistical information including unit-level data among different Departments of the Central Government and States to avoid unnecessary duplication of programmes of collection of statistics and resolve disputes or differences of opinion, if any, among them on the issue;

(e) submit annual report to the Central Government on the working of the Act; and

(f) for the purpose under clause (e) of sub-rule (1) of rule 4, nodal officer may call for any information as he deems fit, including the number of cases adjudicated and penalty imposed by the appropriate Government.

(2) The nodal officer designated by the State Government under sub-rule (2) of rule 3 shall –

(a) maintain and update the register of statistics officers, adjudicating officers and appellate authority appointed from time to time in the State;

(b) obtain and maintain from time to time information on availability ofstatistics including unit-level data, whether collected under the provisions of the Act or not, with different Government Departments and local governments in the State;

(c) advise the Departments of the State Government and local governments in the State on steps to improve the statistical potential of administrative records to avoid conducting separate statistical surveys to collect statistics contained or purported to be contained in such administrative records;

(d) issue instructions from time to time on promoting the sharing of statistical information including unit-level data among Departments of the State Government and local governments in the State to avoid unnecessary duplication of programmes of collection of statistics and resolve disputes or differences of opinion, if any, among them on the issue;

(e) obtain reports, as may be required, on the working of the Act from Government Departments and local governments in the State and submit annual report on the working of the Act in the State to the nodal officer appointed by the Central Government; and

(f) for the purpose under clause (e) of sub-rule (2) of rule 4, nodal officer may call for any information as he deems fit, including the number of cases adjudicated and penalty imposed by the appropriate Government.

5. Direction on collection of statistics. - (1) Any Department of the Central Government shall, before making a direction under section 3 of the Act for collection of statistics on any subject for any reference period in any geographical unit under its jurisdiction, consult the nodal officer of the Central Government to avoid unnecessary duplication in collection of statistics.

(2) Any Department in a State Government or any local government in a State shall, before making a direction under section 3 of the Act for collection of statistics on any subject for any reference period in any geographical unit underits jurisdiction, consult the nodal officer in the State to avoid unnecessary duplication in collection of statistics.

(3) The nodal officer shall, on receipt of any request under sub-rule (1) or sub-rule (2), as the case may be, within a period of one month render such advice as may be necessary to avoid duplication in collection of statistics.

(4) The appropriate Government on receipt of advice under sub-rule (3) shall communicate to the nodal officer, the reasons in all cases of disagreement with such advice, at least fifteen days prior to issuing notification under section 3 of the Act.

(5) Every notification issued under section 3 of the Act shall contain the following particulars, namely:-

(a) subject and purpose for collection of statistics;

(b) geographical area for the collection of statistics;

(c) method of data collection;

(d) nature of informants from whom data may be collected;

(e) the period during which the collection of statistics may be completed;

(f) reference period;

(g) nature of the information to be collected;

(h) language in which information is to be furnished by the informant;

(i) obligation of informant;

(j) nature of business records and other records which may be inspected;

(k) the manner of inspection; and

(l) details of statistics officers, adjudicating officers and appellate authorities, as provided in rule 7.

(6) A copy of every notification referred in sub-rule (5) shall be forwarded to the nodal officer of the Central Government and the nodal officer of the State concerned.

(7) Appropriate Government may like to place such notifications in public domain.

6. Principles for prescribing information schedules. - In respect of prescribing any information schedule in any form, for the collection of statistics on any subject, the appropriate Government, as the case may be, shall satisfy itself that –

(i) it has the authority to direct collection of statistics on the subject under the Act subject to the restrictions given in the proviso to section 3 of the Act;

(ii) it has, for the purpose of finalising items on which information is to be collected, consulted the nodal officer to include the requirements of other Government Departments;

(iii) excessive demands would not be placed on the informants by making the direction and for the purpose field testing of information schedules has been carried out where necessary;

(iv) the range and detail in the information schedules specified for the collection of statistics on any subject shall be limited to what is absolutely necessary;

(v) the reporting burden shall be spread as widely as possible over informant populations through appropriate sampling;

(vi) the information sought from business shall, as far as possible, be readily available from their accounts and electronic means are used where possible to facilitate their collection;

(vii) best estimates and approximations on any item of information sought shall be accepted when exact details are not readily available with any informant;

(viii) each information schedule used for collecting statistics from any informant has, where necessary, a provision for particulars on which information may be furnished at the discretion of the informant;

(ix) provision is made in each information schedule for filling up the details and appending the signature of the person concerned who would be engaged in the collection of statistics;

(x) indicate in each information schedule, for the general information of informants prior to collection of statistics from them under the Act, its plan,if any, to disclose any information collected from them which in the opinion of the appropriate Government is otherwise available to the public under any other Act or as a public document or which is in the form of an index orlist of the names and addresses of informants together with the classification, if any, allotted to them and the number of persons engaged; and

(xi) make a provision in each information schedule to obtain written consent from each informant whose information other than the information covered in clause (x), it proposes to disclose.

7. Appointment of statistics officers, adjudicating officers and appellate authorities. - (1) The appropriate Government under section 4, 15A and 15B of the Act may appoint statistics officers, adjudicating officers and appellate authorities and shall provide with following particulars, through any notification issued thereto, namely:-

(a) designation and address of the officer appointed as statistics officer, for each geographical unit for the collection of statistics;

(b) designation and address of the officer appointed as adjudicating officer for each geographical unit for the collection of statistics;

(c) designation and address of the officer appointed as appellate authority for each geographical unit for the collection of statistics;

(d) details of any agency or company or organisation or association or person engaged for the collection of statistics, and, terms and conditions of engagement and safeguards laid down for the purpose;

(e) the form and the particulars required or the interval within which, and the statistics officer to whom, the statistical information by the informants shall be furnished; and

(f) the powers, if any, delegated under sub-sections (4) or (6) of section 4 of the Act to any statistics officer.

(2) Every statistics officer, adjudicating officer and appellate authority, immediately on their appointment, shall submit an undertaking in Form-I to the appropriate Government.

8. Registration of statistics officers, adjudicating officers and appellate authorities. - The appropriate Government shall maintain a record of statistics officers, adjudicating officers and appellate authorities in respect of their appointment, their terms and geographical areas for which they have been appointed, in Form-II on the basis of the notifications provided under section 3 of the Act read with rule 5 of these rules.

9. Powers and functions of a statistics officer. - A statistics officer, appointed for the purposes of collection of statistics on any subject in any geographical unit, shall –

(i) take, aid in and supervise the collection of statistics;

(ii) cause agencies to be appointed or engaged for collection of statistics;

(iii) obtain an undertaking from all the persons engaged in the collection of statistics in Form-I and forward them to the appropriate Government or to an officer authorised for the purpose by that Government;

(iv) devise or cause to devise relevant information schedules and the mode or modes of collection of statistics with necessary approvals, if any;

(v) allot or cause to allot work of collection of statistics in his jurisdiction to different persons and agencies engaged for the purpose;

(vi) provide all the relevant material to be distributed to agencies engaged and arrange for their training for facilitating the collection of statistics;

(vii) cause to provide necessary publicity for the collection of statistics at an appropriate time;

(viii) coordinate the work of all agencies during the period of collection of statistics and maintain liaison with local authorities for smooth conduct of the collection of statistics;

(ix) cause notices to informants, for furnishing information, issued under his signature, where necessary, and cause acknowledgements received from such informants, to be kept in safe custody;

(x) take steps, in case of statistical surveys having the same set of informants with different reference periods, to issue only one notice to each informant indicating therein the information required to be furnished and the reference periods for which the information is required;

(xi) cause entry of persons authorised by him in writing and carrying a photo-identity card issued by him into any premises of any informant for collection of statistics;

(xii) cause necessary assistance provided to informants requiring such assistance for furnishing the information sought;

(xiii) cause access to any informant to the information collected from that informant for facilitating intimation of corrections or amendments on any inaccurate information;

(xiv) cause verification of information furnished by any informant;

(xv) In cases of contraventions of the Act, following due process, initiate action against alleged contravener in accordance with the provisions of the Act and these rules;

(xvi) obtain from the agencies engaged in the collection of statistics, all the information schedules, all the undertakings obtained from persons engaged in the collection of statistics, and all other relevant records and documents on completion of their work and forward them with a certificate to that effect to the appropriate Government or to any officer authorised by that Government;

(xvii) carry out such other tasks as may be necessary for the successful collection of statistics;

(xviii) submit periodical reports as may be specified by the appropriate Government;

(xix) maintain the register of cases reported as contraventions of the Act, their disposals, details of penalties and recoveries and status thereof;

(xx) monitor the compliance of order of deposit of the penalty when it becomes due in accordance with the orders of the adjudicating officer or appellate authority; and

(xxi) initiate the process of recovery of penalty, as an arrear of land revenue, in cases of non deposit of penalty as ordered.

10. Assistance in collection of statistics. - (1) Every Department of the Central Government or the State Government or the local governments shall furnish within such time and in such form as required, the list of informants and other information which is available with them, relevant for conducting anystatistical survey under these rules to a statistics officer or any agency or person authorised by the appropriate Government upon receipt of a notice to that effect.

(2) The appropriate Government or a statistics officer, as the case may be, may write to any Department of the Central Government or the State Government or any local government specifying the nature of assistance required for collectionof statistics under the Act and upon receipt of such communication, the latter shall comply with the requirement to the extent feasible.

(3) In cases of collection of statistics in disturbed areas, the police, the para-military and the armed forces shall provide such assistance as would be required by the concerned statistics officer.

11. Duty to furnish information. - Subject to the provisions of section 6 of the Act,-

(i) every informant shall, on demand, produce or give a copy of any books of accounts, vouchers, documents, or other business records or personal records or documents in his possession relevant to the collection of statistics under the Act to any statistics officer or any person authorised by him in writing and carrying a photo-identity card issued by him, and the statistics officer or the authorised person, as the case may be, may take a copy or extract of such record or document; and

(ii) the head of every family shall be responsible to furnish or cause to furnish the correct details of name and number of members, other particulars, records and documents, as may be required, of the family of which he is the head including dependants:

provided that in so far as inmates of institutions, such as orphanages, old age homes, and mental asylums are concerned, the responsibility for providing or causing to provide the requisite details, records and documents shall lie with the head of the Institution.

12. General terms, conditions and safeguards for outsourcing. - Every contract or arrangement for the collection of statistics under the Act by any person or agency or company or organisation or association shall be subject to the following terms, conditions, and safeguards, namely:-

(a) outsourcing arrangements shall be subject to a formal and comprehensive written contract;

(b) functions which are to be decided and enforced by the appropriate government under the Act shall not be outsourced;

(c) appropriate Government or a statistics officer or any other officer authorised for the purpose by that Government shall have a right, of information and conduct or order on-site inspections in an outsourcing service provider's premises or place of work and right to cancel the contract in case of unsatisfactory performance;

(d) every agency, engaged in the collection of statistics, shall render such help and assistance and furnish such information to the statistics officer or a person or an agency authorised by him in writing, as he may require for the discharge of his functions, and shall make available for inspection and examination such records, plans and other documents, as may be necessary;

(e) persons engaged by any agency for the collection of statistics, are made aware of the agency's obligations, and they shall submit a written undertaking in Form-I to the concerned statistics officer not to access, use,disclose or retain personal information except in performing their duties of employment or contractual obligations; and are informed that failure to comply with the provisions of the Act and these

rules may render themselves for penalty as per the provisions of the Act;

(f) each person engaged in any activity relating to the collection of statistics shall be bound by the provisions of the Act and these rules, the violation of which shall render him for penalty as per the provisions of the Act;

(g) provisions relating to disclosure of information and restrictions of their use under sections 9, 10, 11, 12, 13 and 14 of the Act and these rules shall have effect during the period of collection of statistics provided in the contract and shall continue to have effect even after the termination or completion of the contract, as the case may be;

(h) the appropriate Government or any statistics officer or any other authority appointed by the appropriate Government on receipt of any complaint shall immediately communicate the agency engaged in collection of statistics of only those details of the complaint, as may be necessary to minimize any breach or prevent further breaches of the agreement or failure to comply with any of the provisions of the Act or these rules;

(i) if any agency engaged in collection of statistics receives any complaint from any informant, it shall immediately communicate the complaint to the appropriate Government or the concerned statistics officer or any other authority appointed by the appropriate Government, as may be required;

(j) the appropriate Government or the statistics officer or any other authority appointed by the appropriate Government may, on receipt of any communication under clauses (h) or (i), give directions, as may be necessary, to the agency; and

(k) the statistics officer and every person engaged in the collection of statistics shall, on completion of their work, handover all the records and documents and furnish a certificate to that effect to the appropriate Government or to an officer authorised for the purpose by that Government.

13. Restrictions on use of personal information. - Each agency engaged in the collection of statistics shall take all reasonable measures to ensure that -

(a) personal information is protected against unauthorised access, disclosure or other misuse;

(b) the agency uses personal information only for the purpose of fulfilling its obligations under a specified contract;

(c) in the case of repetitive statistical surveys with a common set of informants, the agency uses the personal information earlier collected only for the purpose of setting up interviews with or otherwise contacting informants; and

(d) the agency uses personal information for data processing only with adequate security checks.

14. Right of entry into any premises of informants. - A statistics officer or any person authorised by him in writing and carrying a photo-identity card issued by the statistics officer, shall, during the period of collection of statistics for the purpose of collection of statistics under the Act or for inspection and examination of records, and documents in connection with it, during 10.00 hrs to 17.00 hrs on any day or at a time mutually convenient to both the parties have the right to enter the premises of any informant in the portion of the premises normally entered by visitors or guests or as suggested by the informant.

15. Processing of cases arising out of any alleged contravention of the Act. - (1) In cases of any alleged contravention of the Act by the informant, statistics officer, after making such inquiries as deemed fit, may cause a notice issued to the alleged contravener in writing, to show cause within a reasonable period of time to be specified in the notice as to why penalty proceedings should not be initiated against him for the contravention of the provisions of the Act.

(2) A statistics officer after considering the explanation, if any, furnished by the alleged contravener in pursuance to the notice issued under sub-rule (1) of this rule, and after satisfying himself for reasons to be recorded in writing, shall forward the case along with the explanation furnished by the alleged contravener,as also the grounds for initiating the proceedings for penalty to the adjudicating officer.

(3) In case of any alleged contravention of the Act by any person other than an informant, the appropriate Government may, after making inquiries as per the rules, cause a notice issued to the person in writing to show cause within a reasonable period to be specified in the notice as to why penalty proceedings should not be initiated against him for the contravention of the provisions of the Act.

(4) The appropriate Government may, if it considers necessary, send a copy of the show-cause notice issued under sub-rule (3) of this rule and the explanation,if any, received from the alleged contravener to the concerned adjudicating officerfor holding an inquiry for determination and imposition of penalty or otherwise.

(5) In case of persons other than an informant who act in contravention of provisions under the Act, appropriate

Government may, if it considers necessary, initiate independent proceedings as per the rules applicable to the nature of the alleged contraventions reported upon in respect of provisions of the Act.

15A. Determination and imposing of, penalty. –

(1) The appropriate Government may appoint as many officers as may be required, not below the rank of statistics officers, as adjudicating officers to hold an inquiry and impose penalty under the provisions of the Act.

(2) Whenever a case on alleged contravention for determination and imposition of penalty is referred to, the adjudicating officer shall inquire into the matter and hold a hearing, either in person or virtual or by any other admissible mode.

(3) The adjudicating officer shall issue a notice of hearing to the parties, including persons acquainted with the facts and circumstances of the case, by name, mentioning the alleged contravention, date, venue and mode of hearing, along with the relevant documents of the case, at least fifteen days before the scheduled date of hearing.

(4) The notice of hearing may also provide for submission of written communication, which may be relevant for deciding the case, by the parties, if they so desire prior to the date of hearing.

(5) The notice of hearing shall be served in the following modes, namely:—

(i) by speed post or registered post;

(ii) by electronic mail, in case electronic address is available;

and proof of deliveries shall be kept on the record of the case file.

(6) The parties may be present in person or through his duly authorised representative, by the specified mode of hearing as decided by the adjudicating officer including video conferencing, if the facility of video conferencing is available, at the time of hearing of the case.

(7) The adjudicating officer, after hearing the parties shall pass a reasoned and speaking order under his signature and seal of the authority he represents. Acopy of the said order shall be served upon the parties and proof of deliveries shall be kept on the record of the case file.

(8) If the penalty has been imposed on the contravener under the provisions of the Act, the details of the appellate authority and the time line for preferring an appeal against the order passed by the adjudicating officer shall be provided. In addition, the details of the Government account and the mode of recovery of the penalty amount as also the timeline not less than thirty days by when the amount be deposited, shall be provided in the order. Further, the process of recovery as an arrear of land revenue, if the penalty is not deposited within the timeline, shall also be mentioned in the order.

(9) The order should also mention reporting of compliance of the penalty order, by the contravener, to the statistics officer.

15AA. Powers of the adjudicating officer. - An adjudicating officer appointed under section 15A of the Act to hold an inquiry and impose penalty, shall also have the powers to-

(i) call for oral or written evidence on oath or on affidavit from parties including from any other person who has been summoned;

(ii) peruse or inspect relevant documents, records or copies thereof;

(iii) summon and enforce the attendance of any person acquainted with the facts and circumstances of the case. Any appropriate agency including the District Administration shall render such assistance on receiving a reference regarding enforcing the attendance of any person while discharging the duties of the adjudicating officer appointed under the Act.

15B. Appeal against the order of adjudicating officer.— (1) The appropriate Government may appoint any of its officers, above the rank ofadjudicating officer, as an appellate authority under the provisions of the Act.

(2) Whoever aggrieved by the order passed by the adjudicating officer under this Act, may prefer an appeal to the appellate authority, within thirty days from the date of receipt of order, in Form-III.

(3) An appeal may be admitted even after the expiry of the period of thirty days if the appellant satisfies the appellate authority that he had sufficient cause for not preferring the appeal within that period. In case the appeal has been preferred against the order of the adjudicating officer, the operation of the order of the adjudicating officer shall be kept in abeyance, till the disposal of the appeal.

(4) Whenever, such an appeal is received, the appellate authority shall hold a hearing, either in person or virtual or by any other admissible mode, as may be decided by the appellate authority.

(5) The appellate authority shall issue a notice of hearing to the parties, including persons acquainted with the facts and circumstances of the case, by name, date, venue and mode of hearing, along with the relevant documents

of the receipt on appeal, at least fifteen days before the scheduled date of hearing.

(6) The notice of hearing may also provide for submission of written communication, which may be relevant for deciding the appeal, by the parties,if they so desire at least five days before the date of hearing.

(7) The notice of hearing shall be served in the following modes, namely:—

(i) by speed post or registered post;

(ii) by electronic mail in case electronic address is available;

and proof of deliveries shall be kept on the record of the case file.

(8) The parties may be present in person or through his duly authorised representative by the specified mode of hearing as decided by the appellate authority including video conferencing, if the facility of video conferencing is available, at the time of hearing of the case.

(9) The appellate authority may, after giving the parties to the appeal an opportunity of being heard, pass such order as he may think fit.

(10) A copy of the said order shall be served upon the parties and the statistics officer concerned, and proof of deliveries shall be kept on the record of the case file.

(11) If the appellate authority has upheld the order of the adjudicating officer, a timeline for compliance of the said order should also be mentioned in the decision of the appeal.

(12) The appellate authority referred to in sub-section (1) of section 15B of the Act, shall dispose of the appeal within sixty days from the date of filing the appeal.

16. Storage of data and records. - Subject to the provisions of section 13 of the Act, the appropriate Government or an officer authorised by that Government shall, provide details by which any informant could access his own information for facilitating intimation of corrections or amendments on any inaccurate information, store the statistics collected under the provisions of the Act in such a manner as would facilitate easy retrieval of information collected from any informant so as to provide access to the informant, if necessary and keep all the undertakings and other material obtained from the statistics officers and other persons or agencies engaged in collection of statistics in safe custody.

17. Repeal and Saving. - (1) The Collection of Statistics Rules, 2011 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said rules shall be deemed to have been done or taken under the corresponding provisions of these rules.

Form-I

[See rules 7 (2), 9 (iii), 12 (e)]

Undertaking by statistics officer or adjudicating officer or appellate authority and other persons to be engaged in any capacity for collection of statistics under the provisions of the Collection of Statistics Act, 2008 (7 of 2009)

I,_____(Full Name), born on____(Date of birth), son or daughter or wife of___(Name of person) resident

of_____(address) do hereby solemnly affirm, that I accept the responsibility (nature of work) assigned to me for collection of statistics in respect of____(direction under section 3 or section 15A or section 15B of the Act) under the Collection of Statistics Act, 2008 (7 of 2009) as amended through Jan Vishwas (Amendment of Provisions) of Act, 2023 and the Collection of Statistics Rules, 2024, that I shall not access, use, disclose or retain personal information of any informant except in performing my duties of employment or contractual obligations in respect of collection of statistics, and that in case of any violation on my part to comply with the provisions of the Act and the rules made thereunder, and I shall render myself liable, in terms of the extant provisions of the Act or relevant law as applicable .

Place:_____

Date: _____

Signature of statistics officer or adjudicating officer or appellate authority or the person engaged in any capacity for collection of statistics

Form-II

(See rule 8)

Register of statistics officers or adjudicating officers or appellate authorities to be maintained by the appropriate Government

1. Details of the direction issued under section 3 of the Collection of Statistics Act, 2008:

2. Name and address of the appropriate Government making direction:

3.(a) Details of statistics officers appointed for collection of statistics under the aforesaid direction:

S. No.	Designation of statistics officer	Official address	Geographical unit for whichappointed	Powers, if any, delegated under section 4(4) and section 4(6) of the Act
(1)	(2)	(3)	(4)	(5)

Date of appointment	Period of appointment
(6)	(7)

(b) Details of adjudicating officers for collection of statistics under theaforesaid direction:

S. No.	Designation of adjudicating officer	Official address	Geographical unit for whichappointed
(1)	(2)	(3)	(4)

Date of appointment	Period of Appointment
(5)	(6)

(c) Details of appellate authority for collection of statistics under the aforesaid direction:

S. No.	Designation of appellate authority	Official address	Geographical unit for whichappointed
(1)	(2)	(3)	(4)

Date of appointment	Period of appointment
(5)	(6)

Place:_____

Date: _____

Signature with office seal of the officer
responsible for maintaining the record of statistics officers, adjudicating officers
and appellate authorities

Form-III (Form for filing the appeal against order of Adjudicating Officer)

[See Rule 15 B]

To,

The Appellate authority appointed under the Act:

Geographical Jurisdiction of the Appellate authority:

Subject: Appeal under section 15 B of the Act

1. Name and address of the appellant……

2. Name and address of the Adjudicating Officer……

3. Particulars of the case for which penalty has been imposed……

4. Particulars of the order(s) including number and date, if any, against which the appeal is preferred……..

5. Amount of Penalty (Amount in Rs.)……

6. Grounds for appeal

7. Prayer or relief sought in the appeal:

……...

8. Any other information relevant to the appeal

……

9. Whether appeal filed within 30 days (Yes/No)? If No, justification may be givenfor delay:

Name of the Appellant……..

Signature……..

Place……..

Date…….

Address for correspondence (including mobile or telephone number and email,wherever available)……

Enclosures:

1. Copy of the order passed by Adjudicating officer.
2. Case documents as received from Adjudicating officer at the time of hearing.
3. Any other relevant material relied upon.
4. Justification for delay if any.

[F. No. P-12011/1/2018-CAP]

C. K. JHA, Dy. Director General

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भारत का राजपत्र
The Gazette of India

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असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

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सांख्यिकी और कार्यक्रम कार्यान्वयन मंत्रालय

अधिसूचना

नई दिल्ली, 21 फरवरी, 2025

का.आ. 1020(अ).— सांख्यिकी संग्रहण नियम, 2024 के नियम 3 के उपनियम (1) के साथ पठित सांख्यिकी संग्रहण अधिनियम, 2008 (2009 का 7) की धारा 3क में प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्रीय सरकार अपर महानिदेशक (समन्वय एवं अंतर्राष्ट्रीय सहयोग प्रभाग), सांख्यिकी और कार्यक्रम कार्यान्वयन मंत्रालय को सांख्यिकी के प्रयोजनों हेतु नोडल अधिकारी के रूप में पदनामित करती है।

[फा. सं. वाई-18020/24/2017-सीएपी]

आशुतोष ओझा, उप- महानिदेशक

MINISTRY OF STATISTICS AND PROGRAMME IMPLEMENTATION

NOTIFICATION

New Delhi, the 21st February, 2025

S.O. 1020(E).—In exercise of the powers conferred under section 3A of the Collection of Statistics Act, 2008 (7 of 2009) read with sub-rule (1) of rule 3 of the Collection of Statistics Rules, 2024, the Central Government hereby designates the Additional Director General (Coordination and International Cooperation Division), Ministry of Statistics and Programme Implementation as the nodal officer for the purposes of statistics.

[F. No. Y-18020/24/2017-CAP]

ASHUTOSH OJHA, Dy. Director General

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THE REVENUE RECOVERY ACT, 1890

ARRANGEMENT OF SECTIONS

SECTIONS

1. Title and extent.
2. Definitions.
3. Recovery of public demands by enforcement of processes in other districts than those in which they become payable.
4. Remedy available to person denying liability to pay amount recovered under last foregoing section.
5. Recovery by Collectors of sums recoverable as arrears of revenue by other public officers or by local authorities.
6. Property liable to sale under this Act.
7. Saving of local laws relating to revenue.
8. Recovery in India of certain public demands arising beyond India.
9. Recovery in India of land revenues' etc., accruing in Burma.
10. Duty of Collectors to remit moneys collected in certain cases.

THE SCHEDULE.

THE REVENUE RECOVERY ACT, 1890

ACT NO. 1 OF 1890[1]

[14*th February*, 1890.]

An Act to make better provision for recovering certain public demands.

WHEREAS it is expedient to make better provision for recovering certain public demands; It is hereby enacted as follows:—

1. Title and extent.—(*1*) This Act may be called the Revenue Recovery Act, 1890.

[2][(*2*) It extends to the whole of India except [3][*the State of Jammu and Kashmir];] [4]***

[5]* * * * *

2. Definitions.—In this Act, unless there is something repugnant in the subject or context,—

(*1*) "district" includes a presidency-town;

(*2*) "Collector" means the chief officer in charge of the land-revenue administration of a district; and

(*3*) "defaulter" means a person from whom an arrear of land-revenue, or a sum recoverable as an arrear of land-revenue, is due, and includes a person who is responsible as surety for the payment of any such arrear or sum.

3. Recovery of public demands by enforcement of processes in other districts than those in which they become payable.—(*1*) Where an arrear of land-revenue, or a sum recoverable as an arrear of land-revenue, is payable to a Collector by a defaulter being or having property in a district other than that in which the arrear accrued or the sum is payable, the Collector may send to the Collector of that other district a certificate in the form as nearly as may be of the Schedule, stating—

(*a*) the name of the defaulter and such other particulars as may be necessary for his identification, and

(*b*) the amount payable by him and the account on which it is due.

(*2*) The certificate shall be signed by the Collector making it [6][or by any officer to whom such Collector may, by order in writing, delegate this duty], and, save as otherwise provided by this Act, shall be conclusive proof of the matters therein stated.

(*3*) The Collector of the other district shall, on receiving the certificate, proceed to recover the amount stated therein as if it were an arrear of land-revenue which had accrued in his own district.

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1. This Act has been modified in its application to the Benares Family Domains, *see* s.15 of the Benares Family Domains Act, 1904 (U.P. Act 3 of 1904).
   The Act has been extended to Goa, Daman and Diu with modifications by Reg. 12 of 1962, s. 3 and the Schedule, extended to and brought into force in Dadra and Nagar Haveli by Reg. 6 of 1963, s. 2 and the First Schedule (w.e.f. 1-7-1965), to the Union territory of Lakshadweep by Reg. 8 of 1965, s. 3 and the Schedule (w.e.f. 1-10-1967) and to the Union territory of Pondicherry by Act 26 of 1968, s. 3 and the Schedule.
   The Act has been amended in Assam by the Assam Act 16 of 1971.
2. Subs. by the India (Adaptation of Income-tax, Profits Tax and Revenue Recovery Acts) Order, 1947 (G.G.O. 31, dated the 10th December, 1947) (Gazette of India, 1947, Extraordinary, p. 1333), for sub-section (*2*).
3. Subs. by Act 33 of 1950, s. 2 and the Schedule, for "Part B States".
4. The word "and" rep. by Act 10 of 1914, s. 3 and the Second Schedule.
5. Sub-section (*3*) rep. by s. 3 and the Second Schedule, *ibid*.
6. Ins. by Act 4 of 1914, s. 2 and the Schedule, Part I.

*. Now applicable to the Union territory of Jammu and Kashmir and the Union territory of Ladakh by the Notification of Government of India, M/o Home Affairs vide No. S.O. 3912 (E), dated 30th October, 2019 (w.e.f. 31-10-2019).

STATE AMENDMENTS

Assam

Insertion of new section.—After Section 3 of the principal Act, the following shall be inserted as section 3A, namely:—

"3A.—Certificate Officers to perform the functions of Collector in respect of certificates received.—Notwithstanding anything to the contrary contained in this Act, when any certificate is received under this Act, by the Collector of a District, any certificate officer in the district may exercise all the powers and perform all the duties and functions of such Collector under this Act, in respect of such certificate.

Explanation—In this section 'Certificate Officer' has the same meaning as in the Bengal Public Demands Recovery Act, 1913 (Bengal Act III of 1913)."

[*Vide* Assam Act 16 of 1971, s. 2.]

4. Remedy available to person denying liability to pay amount recovered under last foregoing section.—(*1*) When proceedings are taken against a person under the last foregoing section for the recovery of an amount stated in a certificate, that person may, if he denies his liability to pay the amount or any part thereof and pays the same under protest made in writing at the time of payment and signed by him or his agent, institute a suit for the repayment of the amount or the part thereof so paid.

(*2*) A suit under sub-section (*1*) must be instituted in a Civil Court having jurisdiction in the local area in which the office of the Collector who made the certificate is situate, and the suit shall be determined in accordance with the law in force at the place where the arrear accrued or the liability for the payment of the sum arose.

(*3*) In the suit the plaintiff may, notwithstanding anything in the last foregoing section, but subject to the law in force at the place aforesaid, give evidence with respect to any matter stated in the certificate.

[1][(*4*) This section shall apply if under this Act as in force as part of the law of [2][Pakistan or] Burma, or under any other similar Act forming part of the law of [2][Pakistan or] Burma, proceedings are taken against a person in [3][Pakistan or Burma, as the case may be,] for the recovery of an amount stated in a certificate made by a Collector in [4][any State to which this Act extends].]

5. Recovery by Collectors of sums recoverable as arrears of revenue by other public officers or by local authorities.—Where any sum is recoverable as an arrear ,of land-Revenue of any public officer other than a Collector or by local authority, the Collector of the district in which the office of that officer or authority is situate shall, on the request of the officer or authority, proceed to recover the sum as if it were an arrear of land-revenue which had accrued in his own district, and may send a certificate of the amount to be recovered to the Collector of another district under the foregoing provisions of this Act, as if the sum were payable to himself.

6. Property liable to sale under this Act.—(*1*) When the Collector of a district receives a certificate under this Act, he may issue a proclamation prohibiting the transfer or charging of any immovable property belonging to the defaulter in the district.

(*2*) The Collector may at any time, by order in writing, withdraw the proclamation, and it shall be deemed to be withdrawn when either the amount stated in the certificate has been recovered or the property has been sold for the recovery of that amount.

(*3*) Any private alienation of the property or of any interest of the defaulter therein, whether by sale, gift, mortgage or otherwise, made after the issue of the proclamation and before the withdrawal thereof,

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1. Ins. by the A.O.1937.
2. Ins. by the India (Adaptation of Income-tax, Profits Tax and Revenue Recovery Acts) Order, 1941 (G.G.O. 31, dated the 10th December, 1947), (Gazette of India, 1947, Extraordinary, p. 1333).
3. Subs., *ibid*., for "Burma".
4. Subs. by Act 33 of 1950, s. 2 and the Schedule for "a Part A State or a Part C State".

shall be void as [1][against the [2][Government]] and any person who may purchase the property at a sale held for the recovery of the amount stated in the certificate.

(*4*) Subject to the foregoing provisions of this section, when proceedings are taken against any immovable property under this Act for the recovery of an amount stated in a certificate, the interest of the defaulter alone therein shall be so proceeded against, and no incumbrances created, grants made or contracts entered into by him in [3]good faith shall be rendered invalid by reason only of proceedings being taken against those interests.

(*5*) A proclamation under this section shall be made by beat of drum or other customary method and by the posting of a copy thereof on a conspicuous place in or near the property to which it relates.

7. Saving of local laws relating to revenue.—Nothing in the foregoing sections shall be construed—

(*a*) to impair any security provided by, or affect the provisions of, any other enactment for the time being in force for the recovery of land-revenue or of sums recoverable as arrears of land-revenue, or

(*b*) to authorise the arrest of any person for the recovery of any tax payable to the corporation, commissioner, committee, board, council or person having authority over a municipality under any enactment for the time being in force.

8. Recovery in India of certain public demands arising beyond India.—When this Act has been applied to any local area which is under the administration of [4][the Central Government [5]***] but which is not part of [6][[7]*** India], an arrear of land-revenue accruing in that local area, or a sum recoverable as an arrear of land-revenue and payable to a Collector or other public officer or to a local authority in that local area, may be recovered under this Act in [6][[7]*** India].

[8][**9. Recovery in India of land revenues, etc., accruing in Burma.**—(*1*) The Central Government may direct[9] that an arrear of land-revenue accruing in Burma or a sum recoverable in Burma as an arrear of land-revenue and payable to a Collector or other public officer or to a local authority in Burma may be recovered under this Act in [10]*** India and thereupon such arrear or sum shall be so recoverable:

Provided that the Central Government shall not give any such direction unless it is satisfied that the remedy available under section 4 of this Act in [10]*** India to a person paying under protest in [10]*** India an arrear accruing in [10]*** India is available under Burma law in Burma to a person paying under protest in [10]*** India an arrear accruing in Burma.

(*2*) For recovering by virtue of this section any arrears of tax, penalty due under the enactments relating to income-tax or super-tax in force in Burma, the Collector shall have such additional powers as he has in the case of Indian income-tax and super-tax under the proviso to section 46(*2*) of the Income-tax Act, 1922 (11 of 1922).

[11][(*3*) Sub-sections (*1*) and (*2*) shall apply in relation to Pakistan as they apply in relation to Burma.]

10. Duty of Collectors to remit moneys collected in certain cases.—Where a Collector receives a certificate under this Act from, a Collector of another State or a Collector in [8][Pakistan or] Burma, he shall remit any sum recovered by him by virtue of that certificate to that Collector, after deducting his expenses in connection with the matter.]

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1. Subs. by the A O.1937, for "against the Government".
2. Subs. by the A.O. 1948, for "Crown".
3. *See* definition in the General Clauses Act, 1897 (10 of 1897), s. 22.
4. Subs. by the A.O. 1937, for "the G. G. in C.".
5. The words "or the Crown Representative" omitted by the India (Adaptation of Income-tax, Profits Tax and Revenue Recovery Acts) Order, 1947 (G. G. O. 31, dated the 10th December, 1947) (Gazette of India, 1947, Extraordinary, p. 1333).
6. Subs., *ibid*., for "British India".
7. The words "the Provinces of" omitted by the A.O.1950.
8. Ins. by the A. O. 1937.
9. For a direction under this section, *see* Gazette of India, 1937, Pt. I, p. 1941.
10. The word "British" omitted by the India (Adaptation of Income-tax, Profits Tax and Revenue Recovery Acts) Order, 1947 (G.G.O.31, dated the 10th December, 1947) (Gazette of India, 1947, Extraordinary, p. 1333).
11. Ins., *ibid*.

THE SCHEDULE

CERTIFICATE

[*See* section 3, sub-section (*1*)]

From

The Collector of

To

The Collector of

Dated the of 18

The sum of Rs. is payable on account of by, son of, resident of, who is believed (to be at) (to have property consisting of at) in your district.

Subject to the provisions of the Revenue Recovery Act, 1890, the said sum is recoverable by you as if it were an arrear of land-revenue which had accrued in your own district, and you are hereby desired so to recover it and to remit it to my office at

A.B.,

Collector of

———————

About the Author

Born on 25th September 1958, completed post-graduation in Statistics from Andhra University (1980) and graduation in Law from Delhi University (1995), and served the Central Government as a member of the Indian Statistical Service (ISS), for over 36 years.

As a member of ISS (1982 batch), had about 12 years' experience in Survey Management in the National Sample Survey Organisation, about 4 years' experience in Survey and Data management in the Ministry of Small-Scale Industries, about 9 years' experience in Statistical Policy making in the National Statistical Commission Secretariat, and about 8 years' experience in the Central Statistics Office handling Economic Statistics and Statistical Coordination before retiring as Director General (Economic Statistics) in September 2018.

Actively involved in drafting statistical legislation which has been enacted by Parliament as the Collection of Statistics Act, 2008. Also involved in drafting National Statistics Commission Bill and National Policy on Official Statistics.

Visited a few countries to represent India in various multilateral statistical forums, including the Governing Board / Advisory Board of the International Comparison Project (2016) at the World Bank / ADB.

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